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New York, 31 January-11 February 2000
Item 5 of the provisional agenda*
International arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests (programme element III)

Letter dated 21 January 2000 from the Ambassador and Chargé d'affaires of Costa Rica to the United Nations and the Permanent Representative of Canada to the United Nations addressed to the Secretary-General

We are pleased to enclose herewith the consolidated Report of the Costa Rica-Canada Initiative (CRCI) under Category III of the programme of work of the Intergovernmental Forum on Forests (IFF) of the Commission on Sustainable Development (CSD).

In support of the IFF's mandate to identify possible elements and work towards consensus on future international arrangements and mechanisms for forests, the Governments of Costa Rica and Canada entered into a partnership to provide a neutral, transparent, participatory and representative forum to facilitate technical deliberations. More than 600 experts met over the course of the initiative that unfolded in three stages: a meeting in San Jose, Costa Rica in February 1999; eight regional meetings from August to November 1999; and a final meeting in Ottawa, Canada in December 1999.

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[*] E/CN.17/IFF/2000/1.

We would be grateful if this Report could be issued as an official document of the fourth session of the Intergovernmental Forum on Forests, to be held in New York from 31 January to 11 February 2000.

Yours sincerely,

(*Signed*) Maria Elena **Chassoul**
Ambassador and
Chargé d'affaires
of Costa Rica

(*Signed*) Robert **Fowler**
Ambassador and
Permanent Representative
of Canada

Annex

Costa Rica-Canada initiative
January 2000

FINAL REPORT

The final results of the 10 international meetings in support of the Programme of Work of the Intergovernmental Forum on Forests

PREFACE

The Costa Rica-Canada initiative was launched to facilitate deliberations on future international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests,in support of the Intergovernmental Forum on Forests' program of work. As mandated by the Special Session of the UN General Assembly in June 1997, the. In this regard, the IFF was tasked to identify the possible elements of and work towards a consensus on international arrangements and mechanisms, for example, a legally binding instrument on all types of forests.

However, in many instances, the debate on future international arrangements and mechanisms for forests lacked substantive discussion and technical analysis by the wide range of interested parties, many who did not have an opportunity to participate in international fora.

Costa Rica and Canada felt that if the international community was to arrive at an informed decision on future international arrangements and mechanisms, it was important that all interested parties have the opportunity to reflect on the wide variety of issues before them.

On behalf of all the partners in the Costa Rica-Canada initiative, we are pleased to provide you with the final report of the initiative. It incorporates the results of the meeting of experts in San Jose, Costa Rica, the 8 regional meetings and, the final meeting in Ottawa, Canada. The conclusions formulated during the last session will be tabled at the fourth session of the Intergovernmental Forum on Forests in New York, January 31 - February 11, 2000.

Finally, we take this opportunity to thank all the experts around the world who devoted time and energy in advancing the international dialogue on the management of the world's forests.

Over and above the increased knowledge and uderstanding that the participants gained, the key success of the Costa Rica-Canada initiative lies in the spirit of collaboration and cooperation that developed among those involved.

One of the main tenets of the Costa Rica-Canada initiative was that global cooperation is required to solve the problems affecting the world's forests. The initiative clearly demonstrated that a strong will for such collaboration exists today, more than ever, thanks to all involved.

Luis Rojas Bolaños

Luis F. Rojas

Co-Chair
Government of Costa Rica

Jacques Carette

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Government of Canada

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EDITORIAL

Costa Rica and Canada, recognizing and sharing the views expressed by many around the world about the need for a neutral and transparent process to support the discussions in the Intergovernmental Forum on Forests (IFF) on future arrangements and mechanisms for the world's forests, launched the Costa Rica-Canada initiative in August 1998.

The initiative was designed in support of Category 111 of the IFF's programme of work whose mandate was to identify possible elements and work toward a consensus on international arrangements and mechanisms, for example, a legally binding instrument on all types of forests. Within this context, the initiative provided neutral, transparent, participatory and representative fora to facilitate technical discussion on the range of future options for all types of forests and consider possible elements of legally binding instruments. The spirit of the initiative called for regional meetings that would allow forest experts to discuss national and regional concerns, while making the necessary linkages with international issues.

The Costa Rica-Canada initiative allowed more than 600 experts to share information and better understand the range of views on national, regional and international forest issues. In that respect, the Costa Rica-Canada initiative stands as one of the most comprehensive undertakings related to the IFF process.

Deliberations facilitated through the initiative will, hopefully, provide the basis for the IFF to make an informed decision on future arrangements and mechanisms for forests worldwide, one that is permanent, action-oriented and has the necessary legal authority and highest level of commitment.

The key messages emanating from the final meeting of the Costa Rica-Canada initiative, for consideration by the IFF, can be found in this report

Copies of this report may be obtained from:

www.nrcan.ge.ca/efs/cre

ACKNOWLEDGEMENTS

The Costa Rica-Canada initiative was established to allow participants, from all regions of the world, to exchange views and share information on the complexities of future arrangements and mechanisms for the sustainable management of forests. From the early stages the notions of transparency, flexibility, and participation were the driving principles.

The challenge facing the Secretariat was a daunting one: plan, develop and implement an initiative that would meet the expectations of experts from around the world, while providing those who required it, logistical, technical and financial assistance. Countless hours were spent by the team in San Jose and Ottawa in designing and facilitating the process.

Without the wise advice of the Steering Committee and its careful analysis and open minded approach, it would have been impossible to provide participants with the comprehensive analytical framework used at every stage of the initiative.

Planning and hosting 8 regional meetings and 2 international meetings for more than 600 experts from almost every country around the globe constituted an important challenge. Thanks to every member of each organizing committee, participants were provided with top quality logistical and technical support, allowing them to focus on substantive matters.

Obviously, the magnitude of an undertaking such as this one was beyond the means of any one country. It called for a team of partners who shared the objectives. The response to Costa Rica and Canada's call for countries and organizations to join the initiative was overwhelming. Nineteen formal partners volunteered countless human, financial, technical and intellectual resources so that this project could successfully take place.

It would not be practical to list here every person who devoted time and energy to the initiative. Countless people worked in the background, providing critical support. To each and everyone of you, we offer our sincere appreciation.

The following organizations formally provided support to the Costa Rica-Canada Initiative.

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Ministry of Environment and Forestry, Republic of Cameroon
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Ministry for Foreign Affairs, Finland
Ministère des Affaires étrangères, France
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Department of the Marine and Natural Resources, Ireland
Ministry of Agriculture, Forestry and Fisheries, Japan
Ministry of Primary Industries, Malaysia
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Department for International Development, United Kingdom
Forestry Commission, Zimbabwe
Food and Agriculture Organization of the United Nations (FAO)
United Nations Development Program, PROFOR (UNDP)

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NOTE: The guidance and support of the IFF Secretariat, including Ambassador Bagher Asadi, Ambassador Ilkka Ristimaki and Dr. Jagmohan Maini, were welcomed and appreciated throughout the initiative.

International experts meeting of the Costa Rica-Canada initiative

San José, Costa Rica
February 22-26, 1999

International arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests.

Report

Foreword

This is the report of the Costa Rica-Canada initiative experts meeting held in San José, Costa Rica in February 1999. This report attempts to capture the views of the experts attending the meeting in San José and does not necessarily reflect the views of all experts.

This report is also available in French and Spanish.

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I. INTRODUCTION.

The first meeting of experts of the Costa Rica – Canada Initiative, in support of the programme of work of the Intergovernmental Forum on Forests (IFF) on Category III, was held in San José, Costa Rica from 22 to 26 of February, 1999.

As directed by the nineteenth Special Session of the U.N. General Assembly on the implementation of the Agenda 21, the Intergovernmental Forum on Forests (IFF) decided to focus its work on three interlinked categories, of which Category III deals with the international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests. The IFF agreed that the discussions to be held under Category III "*should identify the possible elements of and work towards a consensus on international arrangements and mechanisms, for example, a legally binding instrument on all types of forests.*"

Building consensus on any subject requires a process of clarifying issues and identifying commonalties in our understanding of it. Costa Rica and Canada share a common desire to contribute to the programme of work of the IFF, by facilitating exchanges of views, engaging a holistic and comprehensive discussion and opening the dialogue to enhance the consideration and identification of elements necessary to build a global consensus on the issue of international arrangements and mechanisms.

The objective of the Costa Rica-Canada Initiative is to initiate a process to identify possible elements[1] and work toward a consensus on the usefulness of having international arrangements and mechanisms, for example, a legally binding instrument on all types of forests. Within this context, the initiative seeks to provide neutral, transparent, participatory and representative for substantive discussion and technical analysis of this issue by a wide range of interested parties. In addition, another goal is that at the end of the Initiative whatever recommendations countries make at the IFF, these recommendations will be drawn from the Initiative and be considered as a basis for discussion by IFF.

This initiative consists of three stages. The first stage of this initiative is the expert meeting held in San José, Costa Rica. The second stage will consist of a series of regional and sub-regional meetings, to take place following the meeting in Costa Rica, in which the benefits and possible elements of international instruments, arrangements and mechanisms on forests will be analyzed from the regional perspective. The third stage will be a final meeting in Canada at the end of 1999, to consolidate the results of the expert meeting in Costa Rica and the contributions of the regional and sub-regional meetings, and produce conclusions and recommendations to be submitted to the fourth session of the IFF.

The Costa Rica-Canada Initiative receives substantive direction and guidance from a Steering Committee (SC) on various aspects including the development of a framework for regional and international meetings and a common approach and documentation for use at regional meetings. At its meeting immediately prior to the San José experts meeting, the SC reiterated the importance of a common approach as a means to facilitate the consolidation of the findings of regional meetings. The SC also reiterated that both legally and non-legally binding instruments would be considered in steps 1-4 of the approach, but that step 5 focus only on legally binding options. At the October 1998 meeting of the Interim Steering Committee held in San José, it was agreed there would be a "dry run" of the first three steps of the approach in the San José meeting (Annex 3) and that regional meetings would conduct all steps.

The San José experts meeting was attended by 87 experts coming from governments, intergovernmental institutions, non-governmental organizations, indigenous people, women´s groups as well as invited speakers (Annex 1), reflecting a wide range of interests and views with regard to Category III of IFF´s mandate.

II. AGENDA

The San José meeting considered the following agenda items:

- The agreed mandate concerning Category III of the IFF programme of work,
- The experience of Central America with regard to its regional convention on forests,
- Lessons learned from the implementation of other existing instruments,
- General concepts and terms of legal instruments,
- Possible elements of international instruments on forests,
- Guidance for regional and sub-regional consultations,
- Further action required for building consensus over the period of March 1999 to February 2000.

Following the recommendation made by the Steering Committee of the Initiative in October 1998, an approach was proposed to facilitate the compatibility and the consolidation of findings from regional meetings concerning the identification of possible elements of international instruments on forests.

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[1] Issues from the core set identified as having potential to be addressed in an international instrument, mechanism or arrangement

The objective of the proposed approach is to serve as a guideline for the regional and international meetings to be held. Each step has its own objective, as follows:

Step 1: To identify a core set of international forest issues.
Step 2: To analyze the level of treatment of the issues of the core set identified in Step 1, in the existing instruments.
Step 3: To identify issues of the core set that could potentially be advanced as elements through international instruments and those that likely would not.
Step 4: To identify a range of legally and non-legally binding instrument options for addressing the possible elements identified in step 3.
Step 5: To improve understanding of the pros and cons of the legally binding options identified in step 4.

Steps 1, 2 and 3 were applied in the San José meeting with the purpose of identifying possible elements of international instruments, reviewing the proposed approach and providing guidance for the regional and sub-regional meeting, which will also consider steps 4 and 5. Some experts expressed concerned that the methodology employed prevented a broader debate on the substantive issues of Category III.

In order to facilitate full participation of experts and enhance discussions, four working groups were organized. Distribution of experts among working groups was made with a view to ensure balance, geographically equitable representation from countries, reflecting a wide range of interests and views from all interested parties. Facilitators assisted the working groups in the use of the proposed approach.

One rapporteur was appointed for each working group in order to present the results of each session in plenary and be part of the drafting committee responsible for the preparation of the meeting's report (See Annex 2 for lists of rapporteurs and facilitators). The Secretariat of the Initiative assisted the rapporteurs in the drafting of the meeting's report.

The proceedings of the meeting were covered by the Earth Negotiations Bulletin. The report is available on their Web site at www.iisd.ca.

III. PRESENTATIONS.

The meeting included presentations on the following topics:

1. General concepts and terms of international instruments by Mrs. Barbara Ruis, international law specialist.
2. Central American experience with the regional convention on forests by Mr. Jorge Rodríguez, expert in Central American forestry policy.
3. Lessons learned from the implementation of other existing instruments: implementation of CITES in Costa Rica by Mr. Juan Rodríguez ; implementation of the Convention on Biological Diversity in Costa Rica by Mrs. Vilma Obando ; implementation of the Framework Convention on Climate Change in Finland by Mr. Heikki Granholm and implementation of CITES in Thailand by Mr. Apiwat Sretarugsa .
4. Mr. Markku Aho, Chairman of the Forestry Advisor Group (FAG) presented his paper: "Towards sector support to national forest programmes"

The presentations were followed by discussion periods in order to assist experts in improving their understanding of general concepts and terms of international instruments and of implementation of existing instruments.

IV. CORE SET OF INTERNATIONAL FOREST ISSUES

As a first step, the Secretariat presented to the Expert meeting a preliminary list of 53 international issues related to forests, as provided in the approach document. The experts considered these issues, reviewed them and identified a core set of international forest issues.

Among their findings, most experts established that all issues on the given list were relevant as issues at all levels (national, regional and global).

The four working groups identified several other issues that were of significance to forests, inter alia, renewable energy, governance, transparency, low forest cover, environmental impact assessments (EIA), monitoring and assessment, extent of national forest cover, and illegal logging and illegal trade of forest product. These issues were added to the initial list provided in Annex A of the approach and the updated list is included in Annex 4a of this report.

Some experts indicated that the list was too broad, some issues were irrelevant to an international perspective and some others could be dealt on a bilateral basis.

The question of "categorisation" or "clustering" of issues was frequently raised and possible solutions were suggested as follows:

Clustering criteria

- Issues needing international action at the multilateral level;
- Issues needing guidance to governments;
- Issues needing clarification;
- Issues not needing action at the international level;

Experts discussed and proposed to use for the core set of issues, the classification set out in the UN Secretary General's report (E/CN.17/ IFF/ 1998/9), titled: Management, Conservation, Sustainable Development and Institutions and Policy Instruments. However, neither this classification nor a core set of issues was retained.

The experts expressed wide opinions on the working methodology and its perceived value. All working groups experienced varying degrees of difficulty in reaching an outcome on step one, in particular the criteria one to be applied in the process of identifying those issues requiring international action. As a basis for international consensus, experts referred to the IPF proposals for action and the various regional processes, such as the Helsinki Process on Criteria and Indicators.

Prioritizing the list of issues was not favoured in the absence of a set of criteria fully shared by all. Some participants suggested using the following main categories:

- National Forest Programs;
- Institutional and policy arrangements;
- Trade and environment;
- Governance and participation,
- Socio-economics (local and international), and
- Global functions, regional and international cooperation.

Outcome

The experts supported the list in Annex 4a as a basis for working group discussions, and based on the groups discussion, identified a number of changes to the list which could then guide regional meetings. The revised list is presented in Annex 4b.

V. TREATMENT OF ISSUES IN EXISTING INTERNATIONAL INSTRUMENTS

The objective of this step was to consider the level of treatment of the issues in the core set identified in Step 1 in the existing instruments

The experts were asked to assess the coverage of the core set of issues identified in existing instruments. Each working group was assigned a subset of the core set of issues (Annex 4a). Working groups concentrated on the following two questions:

Is the issue considered? If so, is the level of treatment sufficient or insufficient?

Some groups looked at the issues across the five suggested groups of existing international instruments and related processes: International conventions (Convention on Biological Diversity, UN Framework Convention on Climate Change, Convention to Combat Desertification, Convention on the International trade in Endangered Species of Wild Flora and Fauna, Convention on Wetlands of International importance, especially of Waterfowl habitat, International Tropical Timber Agreement, 1994), Agenda 21, Forest Principles, IPF Proposals for Action, and various regional processes on criteria and indicators for sustainable forest management.

Results of the Working Groups are set out in Annex 5. These results are derived from the Working Groups and do not necessarily reflect the views of all experts.

General conclusions

It was generally understood that most issues contained in the core set were considered in some way or another in various international instruments but that there was insufficient treatment depending on the context of the issues.

It was also recognized that differences in the level of treatment were inevitable when defining the threshold of insufficiency according to the specific instrument considered. For instance, experts stated that the Agenda 21 and the Forest Principles considered more or less all the issues sufficiently, the IPF Proposals for Action considered some issues sufficiently and some insufficiently. The experts also agreed that criteria and indicators processes covered relevant issues sufficiently, but the question of global consistency and application at the national level remained subject to further elaboration.

During this step, potential difficulties were highlighted, that may need to be addressed: for example overlaps in definitions, including diverse aspects for consideration in the format, and others needed clarification.

Experts expressed concern over how "Sufficiency and insufficiency" would be defined, and concluded that there was need for further guidance on the exact meaning of these terms (i.e., is the topic covered by the instrument itself, or in practice/ reality?).

For the exercise's purposes, the experts limited their assessment to how these issues were treated at the international level. Due to the time constraints, further reflection of treatment of these issues at the national and regional levels would be addressed at the regional meetings.

Because of time constraints and limitation imposed by the matrix, there was limited opportunity for experts to explain their opinions on the degree of treatment, and the particular instruments to which they were referring to.

Some issues, such as Forest Assessment, were addressed by international institutions (e.g. FAO), but it was not possible to record this in the matrix. A possible solution would be to include "International Institutions " within " International Instruments" or as a separate heading.

Regarding criterion 9, some experts were confused on what the criterion meant; others found the criterion helpful. In one working group, experts felt the criterion was potentially misleading and applied it with the understanding that it referred to new or existing instruments, not necessarily an international forest convention.

VI. POTENTIAL TO ADVANCE ISSUES THROUGH INTERNATIONAL INSTRUMENTS

The objective of this step was to identify issues of the core set that could potentially be advanced as elements through international instruments and those that likely would not.

Using the core set of issues identified in Step 1, the aim of this stage in the methodology was to seek guidance from the experts and to propose a list of possible elements that might be included in new or existing international instruments in the short and medium term. Working Groups used the same subset of issues used in the previous step.

The criteria proposed for this step are in Annex B of the approach document.

The results of the Working Groups are set out in Annex 6. These results are derived from Working Groups and do not necessarily reflect the views of all the experts.

General conclusions:

As in the first two previous steps, all working groups faced difficulties in understanding the work required, notably the linkages between the criteria and the issues. Again, many experts reiterated the cross cutting complexities of issues. A number of questions were raised: for example, were experts intended to address the *desirability* of advancing issues through international instruments or just the *potential* to advance issues by these means?

Experts limited their assessment and recommendations to the *potential* without considering either desirability or specific mechanisms.

It was also re that because issues would vary between regions, there was no stagnant time frame in dealing with the issues comprehensively. Most experts agreed that all time frames, i.e. short and medium term, had merits for all issues to be advanced in an instrument, but it was difficult to narrow down the time frame without detailed analysis. Experts did not discuss the type of instrument in this context.

VII. GUIDANCE FOR REGIONAL AND SUB-REGIONAL MEETINGS: REVIEW OF THE PROPOSED APPROACH

Based on the results of the discussions of the working groups while using the approach, an opportunity was provided to the experts to review the approach and provide guidance for the regional meetings as the second stage of the Initiative.

Many experts felt that the proposed approach should be flexible and allow participants to reflect the needs and particularities of each region or sub-region. However, it was also stressed that there is a need for a common and systematic approach that would facilitate the achievement of the objective of the initiative. Through such an approach, the political debate will be better informed.

It was also stated that guidance should draw from the existing consensus documents, in particular the Forest Principles, Agenda 21, IPF proposals for action and IFF programme of work.

Many experts mentioned that there is a need for a clear understanding of terminology used in all steps of the approach.

A number of people indicated that there is scope to simplify the approach, for example through consolidating the steps of the approach. The questions should be simplified. A specific proposal was made along the following lines: (i) what are the reasons for non-sustainable forest management? (ii) find if any issue can be tackled by any form of international arrangement; (iii) what form of arrangement could be used? It was felt that whatever the final form of the approach, it should be formatted so that for each step, an objective and a product are identified.

It was also stated that regional meetings should seek balance and participation of the technical view and political view. Some people expressed concern that the regional and sub-regional consultations provide sufficient time to apply a common approach, and that regional meetings should consider lessons learned from the implementation of existing instruments, in particular identifying what has been successful in terms of significant changes at the ground level.

Experts felt that it was important that in the planning of regional meetings, care be taken to ensure that experts are adequately briefed, notably with respect to the international forest policy dialogue and on existing forest related instruments. Some experts mentioned the value of organizing national consultations before the regional and sub-regional meetings could take place. It was felt that the results of regional meetings could be greatly enhanced by the contributions provided by this process of national consultations.

Some experts emphasized the importance of all regional meetings taking fully into account the results of IFF3 with regard to Category III, in accordance with the process of the Costa Rica-Canada initiative. It was also mentioned that regional meetings should help to identify the functions of the international regime and forest issues that are not currently adequately addressed at the global level.

Concerning participation, it was mentioned that regional meetings should include a broad array of expertise, notably in the area of implementation of forest policies and programs. It was also mentioned that indigenous people and local communities should be represented at all regional meetings. The point was made that indigenous rights should be part of any future international forest related instrument.

The experts from the Environmental Investigation Agency, the Institute of Cultural Affairs-Ghana, the International Alliance of Indigenous and Tribal Peoples of Tropical forests, the International Indian Treaty Council, the Global Forest Policy Project, Greenpeace International, Mexico's Women NGOs, and Sobrevivencia of Paraguay perceived a lack of opportunities to discuss comprehensively the world's most critical forest problems. In their view, the methodology used was problematic, and they trusted that the organizers would take full account of the methodology's shortfalls in their preparation of subsequent regional and international meetings. These, and other views, were expressed in the written joint statement which is available on: http://www.greenpeace.org/~forests/newsflash.html.

It was suggested that the approach be revised to include the recommendations of the experts present at the San Jose meeting and guidance will be provided by the Steering Committee.

The following suggestions were made regarding Step 1:

- some issues in the proposed set of issues should be separated;
- some issues should be clustered in order to obtain a shorter list without endangering the scope of the analysis;
- the approach should not contain a proposed core set of issues;
- organizers of regional meetings should propose core sets of issues;
- issues should be drawn from known issues lists (e.g., IPF and IFF) as a point of departure for regional meetings;
- the final reports of IFF related initiatives should be made available to regional meetings, including the report of the global workshop on underlying causes of deforestation.

The following suggestions were made regarding Step 2:

- make distinction between global and regional levels when assessing the level of treatment of issues in existing international instruments;
- the method for this step should allow all views to be captured;
- regarding the level of treatment of issues in existing international instruments, the meaning of "sufficient" and "insufficient" should be clearly defined;
- the reasons why and the extent to which existing international commitments have not been implemented so far should be considered.

The following suggestions were made regarding Step 3:

- Steps 2 and 3 should be combined.
- The reordering of the steps (1,3, and then 2) would perhaps make more progress at regional meetings.
- It is important to keep step 2.

VIII. FURTHER ACTION REQUIRED FOR BUILDING CONSENSUS OVER THE PERIOD OF MARCH 1999 TO FEBRUARY 2000.

Experts addressed the issue of following up to the San Jose meeting in order to examine mechanisms to build consensus and suggestions for further actions for the period between March 1999 and February 2000.

It was felt important that partners in the initiative utilize the opportunity given by future scheduled international meetings, in particular the IFF III, to assess the progress of and exchange views on the Initiative. Some experts mentioned the importance of taking advantage of other specific international and sub-regional meetings related to forests, like COFO and the meeting of the Andean Area to be held in Lima, Perú to maintain a constant flow of information about the Initiative and to forward the results of the San José meeting as a contribution to their deliberations. Additionally, it was suggested that the results of the above mentioned international meetings could serve as inputs to regional and sub-regional meetings within the Costa Rica-Canada initiative.

Information was given to the experts in regard to number, dates, and location of the regional meetings. The significant number of countries interested in hosting and providing financial support for regional meetings is an indication of the strong support for the Costa Rica-Canada Initiative. It is envisioned that in the coming months, the initiative has the potential to involve through regional meetings virtually all countries and involve a wide range of representatives from governments, international institutions, non-government organizations, indigenous people, women's groups and the private sector. Information, as it becomes available, will be distributed through the Secretariat of the initiative and on the initiative web site: http://www.nrcan.gc.ca/cfs/crc.

Some experts mentioned the value of organizing national consultations before the regional and sub-regional meetings could take place. It was felt that the results of regional meetings could be greatly enhanced by the contributions provided by this process of national consultations.

The results of the San José meeting will be forwarded to the regional meetings, which will comprise the second stage of the Initiative, and to the third session of the IFF in 1999. They will also be referred to the final meeting at the end of 1999, in Canada, which will consolidate the results of the meeting in Costa Rica and the suggestions of the regional meetings and produce general conclusions to be submitted to the fourth session of the IFF in the year 2000.

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Regional meeting of the Costa Rica-Canada initiative

East and South East Asia
August 2-5, 1999
Kuala Lumpur, Malaysia

Report

Experts from the following countries participated:

Brunei Darussalam
Cambodia
China
Indonesia
Japan
Lao PDR
Malaysia
Mongolia
Myanmar
The Philippines
Thailand
Vietnam

INTRODUCTION

1.The international community has been discussing a wide range of elements, related to management, conservation and sustainable development of all types of forests. It has been difficult to reach an agreement regarding the instrument that might best address these elements. Therefore, Costa Rica and Canada have agreed to enter into a partnership to initiate a process in support of the Intergovernmental Forum on Forests, to identify possible elements and work towards a consensus on the usefulness of having international arrangements and mechanisms, for example, a legally binding instrument on all types of forests. Within this context, the initiative will seek to provide neutral, transparent, participatory and representative fora to facilitate technical discussion on legally binding instruments on all types of forests and consider possible elements of such instruments.

2.The Costa Rica-Canada Initiative (CRCI) consists of three stages. The first stage was an experts' meeting held in San Jose, Costa Rica, from February 22 to 26, 1999. The second stage will consist of a series of regional meetings, in which the benefits and possible elements of international instruments, arrangements and mechanisms on forests will be analyzed from the regional perspective. The third stage will be a final meeting in Canada at the end of 1999, to consolidate the results of the experts meeting in Costa Rica and the contributions of the regional meetings, and produce conclusions and recommendations to be submitted to the fourth session of the IFF in early 2000.

3.The East and South-East Asia Regional Meeting on the Arrangements and Mechanisms to Promote the Management, Conservation and Sustainable Development of All Types of Forests (ESEARM) is a regional meeting hosted by the Government of Malaysia held under the Costa Rica-Canada Initiative to initiate a process to identify possible elements and work towards a consensus in the region regarding the usefulness of having international arrangements and mechanisms, for example, a legally binding instrument on all types of forests.

4.The ESEARM is one of the many regional level consultations to be held under the Costa Rica-Canada Initiative. Other countries hosting regional meetings include Turkey, Cameroon, Zimbabwe, Ecuador, Argentina, Mexico and Spain.

5.Participants invited to the ESEARM Regional Meetings included representatives of Governments, intergovernmental institutions, NGOs, social groups (indigenous peoples, rural organizations, women's groups, labor, etc.) private sector and other special invitees. The list of participants is annexed as Appendix I.

OPENING CEREMONY

6.The Secretary General of the Ministry of Primary Industries Malaysia the Honourable Datuk Haron Siraj in his introductory remarks welcomed the participants to the Meeting. The Meeting was then declared open by the Deputy Minister of Primary Industries Malaysia, the Honourable Datuk Hishamuddin Tun Hussein. The Welcoming Remarks of the Secretary General and the Opening Speech of the Deputy Minister appear in Appendices II and III respectively.

7.The Agenda for the Meeting is annexed as Appendix IV. The Meeting was held both in Plenary and Working Groups. The participants were divided into three Working Groups and each group was assigned a Facilitator and Rapporteurs to record the discussions. The list of participants in the Working Groups is annexed as Appendix V.

BRIEFINGS

8.The Meeting invited three guest speakers to brief the participants on the following topics:-

i. Dr. Mahendra Joshi from the Intergovernmental Forum on Forests Secretariat on the United Nations
Commission on Sustainable Development related to the work of the Intergovernmental Panel on Forests (IPF) and the Intergovernmental Forum on Forests (IFF);

ii. Mr. Amha Buang from the International Tropical Timber Organisation (ITTO) on the International
Tropical Timber Agreement (ITTA); and

iii. Dr. Raman Letchumanan from the Ministry of Science, Technology and Environment, Malaysia, on the
provisions of the Convention on Biodiversity and the UN Framework Convention Climate Change
related to forestry issues.

1. Mr. Michael Fullerton from the Costa Rica – Canada Initiative Steering Committee also briefed the Meeting on the consultation process. His remarks appear as Appendix VI.

COSTA RICA – CANADA INITIATIVE (CRCI) APPROACH

10. For the purpose of the Meeting, the CRCI Steering Committee has prepared a common approach called the Costa Rica-Canada Initiative Approach which will be used in all the Regional Meetings. This is to facilitate the consolidation of findings from various regional meetings into a single final report. The CRCI Approach is annexed as Appendix VII and consists of four steps as follows:-

Step 1: Identify a working list of possible elements.
Step 2: Identify options for addressing elements.
Step 3: Assessment of the relative pros and cons of the legally binding options for advancing each element.
Step 4: Evaluation on actions to facilitate the building of international consensus on matters relating to Category III of the Intergovernmental Forum on Forests (IFF) Programme of Work.

11. Using the CRCI Approach, the Malaysian Secretariat prepared a guide to facilitate discussions along the four steps outlined in the Approach. The guide appears as Appendix VIII. A proposed list of possible elements for an international arrangement on forestry was prepared by the Malaysian Secretariat and appears in Appendix VIII - Table 1A of the guide.

STEP I: IDENTIFY A WORKING LIST OF POSSIBLE ELEMENTS

12. Using the guide prepared by the Secretariat under Step 1 of the CRCI Approach, participants who were divided into three Working Groups, developed a working list of possible elements for international arrangements and mechanisms. The list of such possible elements appears in Appendix IX. The possible elements are divided into nine categories as follows:
i. General elements;
ii. Forest management elements;
iii. Environmental elements;
iv. Economic elements;
v. Social elements;
vi. Capacity building and awareness elements;
vii. Financial resources elements;
viii. International cooperation and transfer of technology elements; and
ix. International trade elements.

STEP 2 : IDENTIFY OPTIONS FOR ADDRESSING ELEMENTS

13. Three options were adopted to address the elements developed under Step 1. These are:

Option 1: Existing legally binding international instruments;
Option 2: New legally binding international instruments; and
Option 3: Non-legally binding instruments and initiatives (new and existing).

14. A preliminary guide was provided by the Secretariat. It included several categories/themes and each with possible elements and the existing legally binding instruments. These were reviewed and discussed at length by the three Working Groups. Several changes resulted as a consequence in both the categories and the possible elements within them. Revisions included rewriting the suggested elements and introduction of new elements as well as elimination of some proposed by the Secretariat.

Option 1 : Existing legally binding instruments

15. The Working Groups reviewed each of the elements and identified the appropriate existing legally binding instruments which covered them. The main legally binding instruments considered are CBD, FCCC, CCD, CITES, RAMSAR, and ITTA. Several minor instruments were collectively categorized under OTHERS. Wherever possible the specific provisions which dealt with these elements were identified as well. In some cases the provisions which could not be specifically identified but were generally mentioned, were also taken into consideration. One major difficulty all Working Groups expressed was that the elements identified by the Secretariat lacked sufficient explanation, were ambiguous and could be interpreted differently. As a consequence the three Working Groups came up with slightly differing opinions in numerous instances. Likewise, certain phrases such as "no consensus" connoted specific meaning at international meetings, and such terms were therefore avoided. Further, it was felt that many of the terms required definitions for accurate interpretation, and they were in general not available. All these were redressed during this Meeting. The three Working Groups amalgamated the

findings and reviewed the results at the plenary session. The results are reflected under Table 2A enclosed as Appendix X.

16. The review provided the participants a better understanding of the status of the elements in connection with the existing legally binding instruments. It also revealed clearly that while several elements were adequately addressed, the majority were not well represented in the existing legally binding instruments. These elements were mentioned in these legal instruments, but were not addressed in context with specific forestry issues. Generally the environmental, social and international cooperation elements were well addressed. However, there were glaring omissions in the case of forest management, international trade and economic elements. The omissions particularly with regards to forest management were highlighted, for example the need to cover plantation forest, agroforestry, conversion forest and natural forest management. The Working Groups expressed the hope that more attention will be given to these considerations in future deliberations. In the event a forest convention is to eventuate these deliberations should be accorded high consideration.

17. Beside the issues covering forest management, other issues that were further highlighted included elements such as equal partnership among developed and developing countries, new and additional financial resources, capacity building and transfer of technology including the creation of international forest fund. It was also expressed that while there is a wide diversity of legally binding instruments that touched on forestry issues, however their implementation was generally considered to be ineffective.

Option 2 : New legally binding international instruments

18. The same procedures as in Option 1 were taken for Option 2. All the possible elements identified in Step 1 were considered for new legally binding instruments where warranted. The following considerations were used:
i.Elements that were strongly addressed in other instruments were considered important candidates to be covered under international forestry instruments;
ii.Every element that was not adequately covered by existing legally binding instruments but considered critical for forestry particularly in regards to sustainable forest management were included; and
iii.Elements that were believed yet to be covered by any of the existing legally binding instruments but which were considered critical for forestry were also included.

19. The Working Groups found that although the majority of the elements were covered under the existing legally binding instruments, the elements were not adequately addressed to include all aspects of forestry and all forest types. As a consequence, it was concluded that the majority of the elements might require further consideration for possible new legally binding instruments. The outcome of Option 2 is reflected in Table 2B as enclosed in Appendix XI.

20. The exceptions included, inter-alia the following elements:

i. Special needs of small island states - a special commission established in UN already deals with these issues;
ii. Microclimate change – the effects are only felt in localised areas and thus should be dealt at the local

level;
iii. Promoting lesser used forest species – this is adequately covered under ITTA for tropical timbers;
iv. Infrastructure development – this should be country driven and included in a non-legally binding
instrument;
v. Promotion of small diameter timber – relevant to operational aspects of a non-legally binding instrument; and
vi. Land tenure system – should be country driven.

21. In addition, there were differences of opinions on certain elements, such as:
i. Certification and labeling – the contention was that the additional cost involved in certification and labeling may be a burden to producing/developing countries;
ii. Recognition and added incentives given to products coming from sustainably managed forest – this was deemed unfair to developing countries that have not achieved sustainable forest management; and
iii. Role of cooperatives – it is more relevant at the local and national levels.

Option 3: Non-legally binding instruments and initiatives (new and existing)

22. As with Options 1 & 2, the same set of elements was considered for non-legally binding instruments and initiatives (new and existing) where warranted.

23. The Working Groups considered the adequacy of the existing non-legally binding instruments and initiatives that dealt with each of the elements. Some of the instruments/initiatives were identified by the Secretariat. These were examined and new instruments were further identified to strengthen this option. The Working Groups observed that there was a wide range of possible non-legally binding instruments and initiatives that could be linked with these elements. In some cases, the linkage was tenuous. It was therefore considered necessary to further identify the major instruments and initiatives relevant to forestry. As a result, it was found that the majority of the elements could be covered by one or more non-legally binding instruments and initiatives. The outcome of this Option is reflected in Table 2C as enclosed in Appendix XII.

24. The major instruments that covered forestry aspects which were identified by the Secretariat were the Forest Principles and Agenda 21. The Working Groups pointed out that the Rio Declaration and IPF are central to forestry issues and should be accorded similar importance, and were taken up.

25. It was also pointed out that initiatives such as ASEAN Senior Officials on Forestry (ASOF), CRCI and IFF are on-going processes, have no established documents for reference, and therefore not tenable as instruments for the current exercise. Following further deliberations ASOF and IFF were retained. Under ASEAN, there are several declarations including the Hanoi Plan of Action that covers ASOF's initiatives; while the IFF process is well established.

26. Finally it was further pointed out that the present list of elements as contained in Appendix VIII (Table 2C) may not be exhaustive. While additional instruments and initiatives were identified, they could not be incorporated in the document referred to.

STEP 3: PROS AND CONS OF NEW LEGALLY BINDING INTERNATIONAL INSTRUMENTS

27. In this step, the Meeting considered the pros and cons of both the new legally binding and non-legally binding instruments and initiatives. However, only the former could be undertaken due to time constraints.

28. For this purpose, the participants deliberated on the pros and cons of the instruments for each of the identified element systematically. The participants indicated that the advantages of having a new legally binding instrument outweighed the disadvantages for the majority of the elements. Such a situation points to the fact that the majority of elements have not been covered adequately in existing legally binding international instruments, although they may have been alluded to. Another point of concern was that the existing instruments did not cover all the forest types. Therefore, they require further consideration for a new legally binding instrument specifically under the framework of forestry. The pros and cons are reflected in Table 2B (Appendix XI).

29. It may also be pointed out that for various reasons the negative aspects were not thoroughly investigated. An additional point of view was that the possible elements could be phrased in such a manner that they need not be mandatory under a new legally binding instrument. Under such circumstances most of them can be adopted without undue constraints. It was also noted that the few cases concerning issues of local and national coverage were not found inappropriate to be covered by legally binding international instruments.

STEP 4 : EVALUATION – VIEWS ON FURTHER ACTIONS TO FACILITATE THE BUILDING OF INTERNATIONAL CONSENSUS ON MATTERS RELATING TO CATEGORY III OF THE IFF'S PROGRAMME OF WORK

30. In this step, each participant was requested to complete an evaluation form. The completed forms were
evaluated and the some of the observations and opinions are as follows:

Question 1: Has the Meeting furthered your understanding of matters related to Category III of the IFF's Programme of Work?
i. The concept is well understood by the participants;
ii. It provides better understanding of the complexities of Category III issues among some participants
but not others; and
iii. The IFF process is laborious and time consuming.

Question 2: Did you find whether the Approach helped to facilitate an open and participative discussion?
i. The approach is useful but rigid and too structured. As a result, it constrained the discussions/deliberations;
ii. The four steps need simplification to arrive at the same conclusions;
iii. Guidance provided is good and useful;
iv. The approach adopted tends to lead towards a forest convention rather than to options to be considered;
v. The participative and openness aspect of the approach is good. However, the participants felt that it is "targeted" towards a "forest convention";
vi. The time for discussion is inadequate; and
vii. There should be greater representation in terms of sectoral interest and countries.

Question 3: Are more/different background documents needed to help build international consensus on matters relating to Category III of the IFF's Programme of Work?

i. The group does not have the relevant resource persons to ensure a balanced discussion;

ii. More relevant documents in a concise and summarized form should be provided rather than compiling the full version of the various instruments;
iii. The background documents for non-legally binding instruments are not complete; and
iv. More dialogues are needed.

Question 4: Other suggestions/comments
i. All countries should respond to the request of the organiser (e.g. sending in the list of elements);
ii. There is doubt (concern) if one single instrument (whatever the outcome of this exercise) can address the core issues of Category III;
iii. A greater diversity of participants would be preferred in order to have more active and comprehensive discussion;
iv. There should be an overview presentation of all existing relevant legally binding and non-legally binding instruments, especially in relation to specific themes;
v. Approach is not clear and should be reviewed. Steps 1 and 3 cannot contribute much;
vi. Participants should discuss their areas of expertise; and
vii. Format should be made more user friendly with the legally binding and non-legally binding instruments side by side.

CONCLUSION

31. The proposed process for identifying options and creating international instruments under the CRCI initiative is illustrated in Chart 1. The chart indicates the following sequence of actions:
i. Upon identification of possible elements under Step 1, the first Option is to scrutinize existing legally binding documents;
ii. The second Option is to look for new legally binding international instruments. This is followed by the third Option which looks into the non-legally binding instruments and initiatives;
iii. Thereafter in Step 3, the pros and cons of the new legally binding international instruments are examined;
iv. The final step involves an evaluation of the whole process. This sequence is not obligatory; and
v.It is also possible to undertake Step 3 of examining the pros and cons of the new legally binding international instruments immediately following their identification in Option 2.

32. The overall review has been so structured that it appears to support the proposal for a legally binding instrument on all types of forests. This however is by no means the intention of the Meeting. The lack of time, representation of expertise, and other factors could have lead to such a result.

33. Hence, the main focus at this Meeting was to identify and examine the various elements that could be used as a basis for the development of a legally binding instrument on all types of forests, if that is desired. This should remain the main Statement of this Meeting. Therefore, they require further consideration for a new legally binding instrument specifically under the framework of forestry.

34. At the regional basis and taking into consideration the vast area of tropical forests here, the following points have been emphasized, and should be reflected accordingly in any arrangements to ensure a more holistic and integrated approach to sustainable forest management:

i. The principle of equal partnership between developed and developing countries in decision making;
ii. Right to socio-economic development;
iii. An integrated and holistic approach to SFM;
iv. Role of conversion forests, whereby the conversion of forests outside the permanent forest reserve should be regarded as sustainable if undertaken within the context of an integrated land use management plan, e.g. the role of agroforestry;
v. Local/traditional forest related knowledge (TFRK) protection (Intellectual Property Rights) and compensation for TFRK;
vi. Equitable sharing of benefits;
vii. Poverty and SFM;
viii. Financial resources and mechanisms including international forestry fund and technical assistance;
ix. Technology transfer; and
x. International trade in forest products, including market access transparency non-discriminatory practices, removal of tariff and non-tariff barriers, and fair pricing; and
xi. Importance of cooperation in combating transboundary pollution, including airborne pollutants.

ACKNOWLEDGEMENTS

35. The representatives from Japan, Mr. Ichiro Nagame, Mr. Ricardo Ulate from the Costa Rica – Canada Initiative Steering Committee and Dr. Mahendra Joshi from the IFF Secretariat expressed their appreciation to the Government of Malaysia for their warm hospitality and the excellent arrangements made for the Meeting. The Chairman of the Organising Committee thanked the Government of Japan for co-sponsoring the Meeting and all participants for their contribution in making the Meeting a success.

Kuala Lumpur, Malaysia

5 August, 1999

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Regional meeting of the Costa Rica-Canada initiative

East and South East Africa
September 6-10, 1999
Mutare, Zimbabwe

Report

Experts from the following countries participated:

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Malawi
Mauritius
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South Africa
Swaziland
Tanzania
Uganda
Zambia
Zimbabwe

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The Timber Producers's Federation and Timber Council of Zimbabwe kindly provided a dinner on the fourth day of the meeting.

The Organising Committee of the regional meeting, facilitators, plenary chairmen and rapporteurs deserve most grateful acknowledgement for their efforts. Thanks are due to the Government of Zimbabwe for hosting the meeting.

Executive summary

Introduction

The international community has been discussing a wide range of elements, related to the management, conservation and sustainable development of all types of forest. It has been difficult to reach an agreement regarding the instruments that might best address these elements. Therefore, Costa Rica and Canada have agreed to enter into a partnership to initiate a process in support of the Intergovernmental Forum on Forest (IFF) to identify possible elements and work toward a consensus on the usefulness of having international arrangements and mechanisms, for example, a legally binding instrument on all types of forests. Within this context, the initiative seeks to provide neutral, transparent, participatory and representative forum to facilitate technical discussion on legally binding instruments on all types of forests and consider possible elements of such instruments.

The Costa Rica-Canada Initiative consists of three stages. The first stage was an expert meeting held in San Jose, Costa Rica, from 22 to 26 February 1999. The second stage consists of a series of regional meetings, in which the benefits and possible elements of international arrangements and mechanisms on forests will be analysed from the regional perspective. The first regional meeting was held in Kuala Lumpur, Malaysia. The East and Southern Africa regional meeting is the second meeting, held between 6-10 September 1999 in Mutare, Zimbabwe. The other meetings will be held in Turkey, Cameroon, Spain, Argentina, Ecuador and Mexico. The third stage will be the final meeting in Canada at the end of 1999, to consolidate the results of the expert meeting in Costa Rica and the contributions of the regional meetings and produce conclusions and recommendations to be submitted to the fourth session of the IFF in early 2000.

Objectives and structure of the regional meeting

The objectives of the meeting were;

- to analyse the elements identified from the Experts meeting in San Jose, Costa Rica, and add new elements considered important to the region;

- and to analyse from a regional perspective, the usefulness of having international arrangements and mechanisms, for example, a legally binding instrument on all types of forests.

The meeting was structured such that the participants were first appraised of the issues related to the Conventions. Four key-note papers were presented in plenary to give participants a common understanding of existing international instruments and their implementation at the regional level. A detailed analyses of the elements was given in plenary so that participants acquaint themselves with the 80 elements. Detailed analysis of the elements and options was done in group work and the results of the analyses were presented in plenary. The pros and cons of those elements which have a potential to be considered in a legally binding instruments were also discussed so as to advance the elements for further consideration. An evaluation of the meeting was done by filling the forms and through discussions in groups. The forms were sent to the Costa Rica-Canada Initiative secretariat for analysis, but results of the group discussions are reported in these proceedings.

Participation

The meeting was attended by 85 participants and 13 observers from 15 Southern and Eastern Africa countries from government, intergovernmental institution, non governmental organisations (NGOs) the private sector, indigenous people and local authorities. Representatives from the Costa Rica Canada Initiative and from Cameroon and Turkey were also present at the meeting. The representatives from the later two countries were invited so that they could learn from the experiences of the meeting and use lessons learnt when they host their respective regional meetings.

Welcoming addresses

Mr. P. Kariwo, Chairman of the Regional Meeting welcomed the delegates. The meeting was opened by the Hon. Deputy Minister in the Ministry of Mines Environment and Tourism Mr. E. Chindori-Chininga, who suggested that the participants take a holistic approach to SFM and let Africa=s voice be heard in all international deliberations.

The co-Manager of the Costa Rica-Canada Initiative, Ms. F. Bergeron in her introductory remarks thanked the Government of Zimbabwe for agreeing to host the Regional Conference and the Government of Finland, United Kingdom and Germany for financial support for the meeting. She urged the participants to take every opportunity to express their views at the meeting.

Key-note presentations

It was necessary to give the regional participants a wider and better understanding of the complex issues involved on the Costa Rica - Canada Initiative. Four key speakers deliberated on the complex issues and covered the following:

- The background of the initiative (An overview of Inter-governmental Deliberations on Forest Policy);
- Overview of International Conventions affecting the management, conservation and

sustainable development of all types of forests;

- Overview of legally non-binding instruments;
- Overview of regional experience with international instruments.

Brief summaries of each of the papers are highlighted below:-

An overview of Inter-Governmental Deliberations on Forest Policy

This paper was presented by Dr. J. Maini. The paper touched on the principles that have guided the forest policy deliberations as:

- the sovereign rights of states to use their resources to meet their national policy objectives and priorities;
- that states have a right to economic development in the context of their social, economic, environmental and political conditions;
- that states have the responsibility to ensure that activities within their jurisdiction do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.

The expanding scope of forest concerns has led to international dialogues/agreements and co-operation in areas of forest and environmental management. Some of these concerns have been outlined as:

- global deforestation which is at the rate of 15 million hectares per annum;
- 300-400 million people live in and around forests and depend on them for their sustenance;
- international trade;
- trans-national environmental problems.

Overview of International Conventions affecting the management, conservation and sustainable development of all types of forests

This paper was presented by Mr. D. Marongwe. The paper listed the major Environmental Conventions that address forest related issues as the:

- Convention on Biological Diversity (CBD);
- United Nations Convention to Combat Desertification (UNCCD);
- United Nations Framework Convention on Climate Change (UNFCCC);
- RAMSAR Convention on Wetlands of International Importance especially as Waterfowl Habitat;
- Conventional on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- World Heritage Convention (WHC);
- International Tropical Timber Agreement (ITTA);
- Indigenous People's Convention of the International Labour Organisation.

The paper points out the short-comings of the convention as:

- their limitation in effectively dealing with forest issues;
- their failure to define any concrete arrangements or regulations that can be applied or enforced.

An overview of legally non-binding international instruments and initiatives for the enhancement of the conservation and sustainable management of forest resources

The paper was presented by Dr. D. Gwaze and highlights the legally non-binding instruments and initiatives as:

- the Forest Principles;
- Agenda 21 Chapter 11;
- Intergovernmental Panel on Forests (IPF) Proposals for Action;
- Forestry Sector Planning Initiatives;
- Forestry Partnership Agreements (FPAs);
- International and Regional Processes on Criteria and Indicators for Sustainable Forest management;
- Certification.

The paper identifies the strengths, weaknesses and major gaps in the implementation of some of these instruments and initiatives. Their strengths lie in their ability to allow for innovation as well as in being less costly to negotiate compared to the legally binding instruments. The major gaps have been mainly the lack of priorities and political commitment, limited financial resources, lack of financial mechanism for SFM, inability of the GEF to support forestry management and the absence of clear definition of SFM.

Overview of regional experience with international instruments

This paper was presented by Mr. P. Gondo and relates to the Conventions already discussed. It recognises the participation by the region in various committees. Poor in-country consultations and inconsistency of delegates at these committee meetings have rendered the involvement ineffective. Progress in implementing the different conventions is noted with CBD and UNFCCC. Little progress has been recorded with CCD. Significant progress is evident with CITES and ITTA because of the strong trade link.

Domestic finance has by far been the major source of funding. The GEF has been the only significant multi-lateral financing mechanism for project support. However, GEF does not support sustainable forest management.

The paper recommends a thorough analysis of the extent to which the lack of capacity has impacted on the region's failure to take advantage of some of the provisions. Concerns are raised regarding the following:-

- weak participation by the region in the decision making process that result in domination by the northern countries;
- additional obligation on already limited financial and human resources of the region;
- violation of the principles of sovereignty on the grounds of globalization;
- issues of financing is complicated by unclear terms such as Incremental cost, new and additional financing mechanisms and enabling activities;
- poor private sector investment in the region;
- lack of any significant difference in investment between volatile and stable regions where good governance has been a yard stick.

Approach to analysing the elements and options

The standard approach of the Costa Rica Canada Initiative was applied in the meeting with a few modifications.

Prior to the meeting, the Zimbabwean organising committee sent the list of elements to all the countries and also requested the countries to submit additional elements pertaining to situations that obtain in their respective countries. Five countries namely Botswana, Kenya, Malawi, Seychelles and Zimbabwe submitted additional elements. National workshops were held in South Africa and Zimbabwe. All the elements were then reviewed and 80 elements were presented for analysis at the meeting. Dr. S. Chigwerewe presented a list of all the elements giving full explanations and the context of the discussion.

For the purpose of analysing the elements, the participants were divided into 4 groups and each group was tasked to analyse 20 elements. A facilitator and a rapporteur were assigned to each group. The analyses identified the options under which each element could be addressed. The options included:

- existing legally binding instruments;
- new legally binding international instruments;
- legally non-binding instruments and initiatives.

After deliberating on the various options, the pros and cons of using either legally binding and non-binding instruments were discussed. Emphasis was placed on the pros and cons of legally binding option. This provided a better understanding of the key elements. An evaluation of the meeting was done by filling in evaluation forms. Group evaluations were also done so as to identify and document the range and diversity of views on further actions to facilitate the building of international consensus on matters relating to Category III of the IFF's programme of work.

Results of the group discussions

The meeting provided a neutral, transparent and participatory forum for discussing the key elements. All the elements were analysed and all the views and options suggested by the groups were recorded and are presented in detail in the results sections. The views are recorded in tabular form for easy reference. The elements that were identified as being crucial and warranty further consideration in a legally binding instrument were:

-criteria and indicators for SFM, traditional forest related knowledge, ecosystem management, protected area management, soil and water management, forest practices, rights of indigenous people and local communities, equitable benefit sharing, resource tenure and biotechnology.

The pros and cons for addressing these issues under a legally binding instrument were also discussed. The potential to reach some form of consensus on the elements was also considered and for the above elements chances of reaching a regional consensus was high. This formed the basis of advancing the elements to be considered under a legally binding option.

An evaluation of the meeting was done as the last step and the results are also presented in these proceedings. The main feedback from the evaluation was that there was need for in depth country consultation to come up with national elements that could be advanced to the regional level. However, most participants appreciated that the meeting was very informative on the elements, Conventions and possible options and will greatly help the region's deliberations in future meetings on the initiative. The meeting was cited as the first ever meeting involving a number of African countries with such broad stakeholder participation on International Conventions and as such was highly valued and appreciated.

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Regional meeting of the Costa Rica-Canada initiative

Europe
September 21-23, 1999
Madrid, Spain

Report

Experts from the following countries participated:

- **Albania**
- **Austria**
- **Belgium**
- **Belorussia**
- **Bosnia- Herzegovina**
- **Bulgaria**
- **Croatia**
- **Czech Republic**
- **Danmark**
- **Estonia**
- **European Commission**
- **Finland**
- **France**
- **Germany**
- **Greece**
- **Holy See**
- **Hungary**
- **Island**
- **Italy**
- **Latvia**
- **Liechtenstein**
- **LITUANIA**
- **Luxemburg**
- **Malta**
- **Moldavia**
- **Monaco**
- **Macedonia, F.Y.R. of**
- **Netherlands**
- **Norway**
- **Poland**
- **Portugal**
- **Romania**
- **Russian Fed.**
- **Slovak Rep.**
- **Slovenia**
- **Spain**
- **Sweden**
- **Switzerland**
- **Turkey**
- **United Kingdom**
- **Ukraina**

Chapter 1. Introduction

Background

In 1995, the UN Commission on Sustainable Development (CSD), at its third session, established the open-ended ad hoc Intergovernmental Panel on Forests (IPF) to pursue consensus and coordinated Proposals for Action to support the management, conservation and sustainable development of all types of forests. The IPF focused on 12 programme elements on implementation of UNCED forest-related decisions. The Panel met four times from 1995-1997 and submitted its final report to CSD-5 in April 1997. The report contains approximately 140 proposals for action.

However, IPF delegates could not agree whether to begin negotiations on a global forest convention or to continue the intergovernmental forest policy dialogue in some other form. CSD-5 adopted the IPF's report and forwarded a set of recommendations to the UN General Assembly Special Session (UNGASS) in June 1997 to conduct an overall review and appraisal of progress in implementing the UNCED agreements. At UNGASS, the General Assembly decided to continue the intergovernmental policy dialogue on forests through the establishment of an ad hoc open-ended Intergovernmental Forum on Forests (IFF) under the aegis of the CSD. In addition, it decided that *"the Forum should also identify the possible elements of and work toward consensus on international arrangements and mechanisms, for example, a Legally Binding Instrument."* The Economic and Social Council resolution 1997/65 established the IFF, with a mandate to report to CSD-8 in 2000.

The IFF held its organizational session (IFF1) from 1-3 October 1997 in New York. IFF2 took place from 24 August-4 September 1998 in Geneva, where delegates conducted background discussion on, inter alia, international arrangements and mechanisms. So did in IFF3, held in Geneva from 3-14 may of 1999, which not negotiated report included the notion of the functions as one of the main basis to the determination of the added value of a Legally Binding Instrument.

As the task of the UN Ad-Hoc Intergovernmental Forum on Forests (IFF) under Category III of its Programme of Work is *to identify the possible elements of and work towards a consensus on international arrangements and mechanisms* for the implementation of the UNCED decisions, the point of departure for the entire IPF/IFF process since 1995 was the agreement of the international community laid down in the forest-related decisions of UNCED (Agenda 21, Chapter 11 and Forest Principles). These decisions aim at a holistic and comprehensive approach to sustainable forest management and places the forest sector with all its components within the framework of the overall sustainable development efforts.

The discussion within IPF on future *international arrangements and mechanisms* had focused on possible gaps, overlap and linkages in the existing international forest regime and the immediate objective of IFF 4 is to embark on deliberations in an open and transparent manner as to arrive at an informed decision at IFF 4 in February 2000 and in CSD 8 in April-May 2000.

During discussions at IFF-2, the Governments of Costa Rica and Canada announced their intention to collaborate to initiate a process to identify possible elements and work towards a consensus on the usefulness of having international arrangements and mechanisms, for example, a Legally Binding Instrument on all types of forests. Several delegates at IFF-2, Spanish among others, supported the Initiative and expressed interest in participating. The Costa Rica and Canada Initiative was based on the understanding that building consensus requires a process of clarifying issues and identifying commonalties. The Initiative thus aims to facilitate exchanges of views through holistic and comprehensive discussions and open dialogue to enhance the consideration and identifi[illegible] 3 [illegible] elements necessary to build a global consensus on the issue of international arrangem[illegible] mechanisms.

The Initiative consists of three stages: the Experts' Meeting in San José; a series of regional and sub-regional meetings to follow San José; and a final meeting in Canada in December 1999. The regional meetings build on the findings of the Experts' Meeting, analyzing the benefits and possible elements of both legal and non legal instruments from the perspective of each of the major regions. The final meeting in Canada will consolidate the results of the San José meeting and the suggestions obtained from the regional meetings and produce general conclusions, that will be submitted to IFF4.

Learning from the report of the first meeting of the Costa Rica – Canada Initiative (CRCI), held at San José in February 1999, the approach attached in annex 1 shows 4 steps in the study of the composition and objectives of the future forest dialogue:

- STEP 1: Identify a working list of possible elements
- STEP 2: Identify options for addressing elements
- STEP 3: Pros and cons
- STEP 4: Evaluation

The main idea of utilisation of the approach in Europe is to go through the process, first, at national level, making a common revision and leaving the general conclusions for the regional meeting in September. This will have additional advantages like the possibility of involving more experts from each country, as well as representatives from NGOs, research institutions, forest owners, regional governments and any other stakeholders, making the process as transparent and participatory as possible, with the due respect to each national participation structures, and save resources at the same time, as this method do not oblige to waste them in move large delegations from each country to Spain.

Also, as the *Approach* has been developed before IFF3 and does not consider the role of the so called *Functions*, an actualisation to the new conditions was needed. Due to this two ideas, a Concept document has been developed for the preparations of European Regional Meeting. This Concept document is attached as Annex 2.

The European process

From the time of IFF3, a Steering Committee for the process in Europe was established, with a balanced representation of all the sub-regions of Europe, formed with Spain as the host country, Germany, Finland and Portugal as the current and next Presidencies of the EU, Austria that would host a preliminary meeting, Hungary and Latvia representing Countries in Transition, and the Liaisson Unit of the Ministerial Conference of Protection of Forests in Europe, that collaborated with the infrastructure.

The European meeting of the CRCI includes 41 countries representation, and the European Commission, as listed below.

ALBANIA
AUSTRIA
BELGIUM
BELORUSSIA
BOSNIA- HERZEGOVINA
BULGARIA
CROATIA
CZECH REPUBLIC
DANMARK
ESTONIA
EUROPEAN COMMISSION
FINLAND
FRANCE
GERMANY
GREECE
HOLY SEE
HUNGARY
IRELAND
ISLAND
ITALY
LATVIA
LIECHTENSTEIN
LITUANIA
LUXEMBURG
MALTA
MOLDAVIA
MONACO
MACEDONIA, F.Y.R. OF
NETHERLANDS
NORWAY
POLAND
PORTUGAL
ROMANIA
RUSSIAN FED.
SLOVAK REP.
SLOVENIA
SPAIN
SWEDEN
SWITZERLAND
TURKEY
UNITED KINGDOM
UKRAINA

Additional invitations were sent to the Co-Presidents of the Initiative, the Co-Presidents of IFF, and some other observers.

The Steering Committee decided also to include the various European level non governmental organisations in the meeting, and responding to this decision, the following organisations were invited to participate in the process:

Council of Europe	
Europe Forest Owners Confederation	CEPF
Europe Pulp and Paper Industries Confederation	CEPI
Europe Timber Industries Confederation	CEI Bois
European Council of Agriculture	ECA
European Forest Institute	EFI
European Foresters Union	UEF
European Landowners Organisation	ELO
European Observatory of Mountain Forests	EOMF
European Organisation of Community Forests	FECOF
European Union Agricultural Organisations Committee	COPA
Fern	
Food and Agriculture Organisation	UN/FAO
Global Forest Policy	IISD
Greenpeace International/ Europe	
IFF Secretariat	
Internacional Unión for Conservation of Nature	IUCN
Internacional Unión of Forest Research Organisms	IUFRO
International Tropical Timber Organisation	ITTO

UN Development Program	UNDP
UN Economic Commission for Europe	UN/ECE
UN Environmental Program	UNEP
Unión of Silvicultors of Southern Europe	USSE
World Wide Fund for Nature/ Europe	WWF

The Steering Committee decided also that it would be very useful to have a preparatory meeting with Countries in Transition and the meeting took place, due to the kind offer of Austrian Government, in the city of Gmunden. In this one day meeting, there were presentations on UN/CSD processes (Mr. Günther Siegel), the IPF/IFF process (Mr. Mike Dudley), the IPF proposals for action (Mr. Christian Mersmann and Ms Astrid Skala-Kuhman), the CRC Initiative (Mr. Jacques Carette), and the European meeting (Mr. José M. Solano), and was useful to bring to the attention of a number of countries.

Chapter 2. The national consultation processes

As a starting point for European exercise, it has been noted that management, conservation and sustainable development of all types of forests has been discussed for the last ten years within the framework of the the Pan-European Process and its three Ministerial Conferences on the Protection of Forests in Europe (Strasbourg, 1990; Helsinki, 1993 and Lisbon, 1998).

So that, the European countries and organisations were asked to handle the first two steps of exercise before hand, and forward the results of them to Spain, where the synthesis were going to be discussed.

In step 1, countries and organisations were asked to identify a working list of possible elements for future arrangements. They were asked to use of the list of issues as they outcome from IFF3 discussions for the national processes

In step 2, countries and organisations were asked to identify options for addressing these elements. In doing so, they would consider at national level, for each of the issues coming from step 1, three possible options: The first option covers existing legally binding instruments including working within existing provisions, negotiating new provisions and developing protocols. If there is an issue partially covered by one of the instruments considered, the experts would address including in the existing instrument the part of the issue not covered yet. The second option about a new legally binding international instrument, where elements warrant a legally binding commitment and no existing instrument is believed to provide for such a commitment. The third option, of non-legally binding instruments and initiatives, includes new or existing soft law processes, civil society and voluntary instruments and initiatives.

More than one option could be addressed for each issue, and criteria to be used for each issue and option was the consultation of the documentation to know if the issue is already covered or not by any instrument. The product of this step is a matrix of issues by one side and options by the other, with a signal in the square of the option to be considered for each issue.

Synthesis of National Reports

As far as 14 reports were received from different countries and one from an organisation. The task of obtaining general conclusions has been not easy, as many of them are the outcome of an ongoing consultation process within the country, and not all the reports keep the format given by the organisation of the meeting, but the proper of these national processes.

Nevertheless, most of the concerns, opinions and understandings can in general terms be included in a general report about issues, functions and options, wich are the general basis of the processes, although the format was different. So, it is to note that any national approach could be used as a framework for the synthesis report, as every national approach is equally valid.

The general concept has chosen as a framework to express the results of all the national processes as this is the easiest way to translate different points of view, and this framework was understandable by most of people that attended the meeting.

Issues not adequately tackled by existing International Forest Regime

The results of the national processes show that there are a number of issues that are not adequately tackled by existing International Forest Regime such as e.g.:

- *National Forest Programs*; have a vague definition, lack of a harmonised framework and resources, and lack of commitments as there is no political will to have them.

- *Forest conservation and protected areas;* issue partially covered by CBD and by others, but not yet in an operational way, specially the issue of biodiversity conservation in production forests. The different interests of stakeholders (and the lack of Criteria & Indicators to establish priorities for the instauration). Another point is that in Europe the additional value of strict forest protection is under debate, as every forest have to be sustainable managed.

- *Deforestation and Forest degradation.* No covered in a holistic way, and there are gaps in coverage as well as a lack of synergies between instruments. Anyway, the undervaluation of forests and their non wood goods and services subsists as the main gap.

- *Restoration of degraded lands* is partially covered, but there is no existing coverage in a holistic way, nor considering the specific conditions of Low Forest Covered Countries. Lack of resources for this restoration is the most generalised opinion.

- *Monitoring*: The problem most widely found was the lack of co-ordination between different information sources and the need of data continuously to all institutions and instruments, and there were opinions about different aspects like the lack of resources, common definitions, priorities, harmonised framework and commitments

- *Transfer of Technology and capacity building*: Taking into account the lack of resources also, the reports noted that structures exist, but not integrated in other sectors out of the forest sector, and due to different interests of stakeholders, actually there is no follow-up of current instruments.

- *Finances*: In this issue, lack of resources was found, but lack of integrated programs to attract new resources was mentioned too. Anyway there was an agreement about the existence of gaps in the existing International Forest Regime (e.g.: private investments), but different interests of stakeholders make difficult to find a final solution. As a basis, sustainable forest management should be seen as a profitable and viable sector.

- *Valuation of goods & services*: This issue has a technical problem, based on the difficulties in development and application of approaches, but anyway the existing approaches are not used because of a lack of political will to apply them, due to the risk of market disturbs for example.

- *Trade and sustainable forest management*: This is a very important issue for every country, for there is no common understanding of connections between trade and sustainable forest management, although there is a risk of not consideration of social and cultural aspects in future free trade agreements.

- *Traditional forest related knowledge*: This is a very controversial issue, which is partially covered by CBD, but not yet operational, because there is no common understanding on some aspects.

- *Work of Institutions and Instruments*: There were found gaps and overlaps, and so, the lack of an instrument that tackle with it in a holistic and balanced way

- *International policy development*: This issue is not covered at all yet. There is a strong need of co-operation in this issue, taking into account the holistic and comprehensive approach of UNCED.

In some national reports appeared two new issues of global concern that were not covered at all:

- *Concepts, terms & definitions*
- *The vital role of all types of forests and its transboundary dimensions*

As general conclusions about the issues, the national report show that:

1. All issues presented in the IFF document are important for most of the countries.
2. Most of issues reported can be somehow adapted to the proposed framework.
3. The existing International Forest Regime shows:
    - Gaps & overlaps
    - Lack of synergies
    - Uncertainity in focus
    - Limitations in effective implementation and compliance

Functions of any future International Forest Regime

Each country was asked to look at key functions of the future global forest policy dialogue. The discussion on functions included a short analysis of the deficiencies of the international forest regime to fulfil the mandate of UNCED and also included a short analysis of the experiences made so far with the IPF/IFF process.

The country documentation included the paper produced by IFAG about the topic.

The analysis of the national consultation processes made by the chair resulted in the formulation of all different comments in five main headlines, or main functions. This five functions, as expressed in a general way, included some different interpretations or ways of expression in the reports from the countries as such:

1. Common global objectives
   - Establishing Global Goals, Objectives and Adapting Forest Principles
   - Adapt forest programs objectives to global framework
2. Co-ordination and synergies
   - Co-ordination within the International Forest Regime: Building Synergies for Effective Implementation
   - Co-ordination within global forest policy dialog
   - Review and strengthen an umbrella for international mandates
   - Provision of a comprehensive institutional and legal framework
   - Co-ordination of the assistance to D.C. & CiTs
   - Support of national measures taken by other instruments
3. Implementation and commitments
   - Implementing the International Forest Regime: National Reform Processes and Compliance with International Obligations
   - Support national reform processes
   - Securing political commitment at the highest political level
   - Translate political commitment into action
   - Assess and review progress
4. International forum
   - Provision of an International permanent Forum for consensus building to address issues of global concern
   - Promote a better global understanding of SFM
   - Provide a comprehensive framework for all instruments
5. Participation and equity
   - Promote equality and equity between countries
   - Ensure transparency and participation of all relevant stakeholders

The general conclusions about the functions the are derived from the national reports are:

- Most of the reports demonstrate the need and usefulness of determining functions and a good understanding of the functions concept
- Most of reports present the same idea, but sometimes are expressed in different ways

- Appears a new function about equity and transparency

Relationship between issues and options

The national processes were asked to analyse issues against different options for possible future international forest regime. The synthesis of this analysis is summarised in the following tables.

The ciriteria used to cover this matrix were the answers given by the countries to the next questions:

- How each option fulfil the different functions of the forest dialog beyond 2000 for the implementation of UNCED, IPF and IFF decisions
- Which are the added values of each of this options for the forest sector of my own country?
- Which are the added values of each of this options for the international community forestry sector?
- Which are the added values of each of this options for developing countries?

	Covered by Existing Global L-B instruments	Covered by Existing Regional L-B instruments	To be covered by New Global L-B instrument	To be covered by New Regional L-B instrument	To be covered by New Global Non L-B instrument	To be covered by New Regional Non L-B instrument
National forest programmes;			✓			
Forest conservation, unique types of forests and protected areas;			✓	✓	✓	✓
Combating deforestation and forest degradation;			✓	✓		
Rehabilitation and restoration of degraded forest lands, and the role of planted forests;			✓	✓		
Monitoring, assessment and reporting;			✓	✓		
International cooperation in capacity-building and access to and transfer of environmentally sound technologies to support sustainable forest management;			✓	✓		

Matrix 1a: Analytical work made to address relationship between issues and options

	Covered by Existing Global L-B instruments	Covered by Existing Regional L-B instruments	To be covered by New Global L-B instrument	To be covered by New Regional L-B instrument	To be covered by New Global Non L-B instrument	To be covered by New Regional Non L-B instrument
Financial resources;			✓	✓		
International trade and sustainable forest management;			✓			
Forest-related scientific research;					✓	✓
Traditional forest-related knowledge;			✓	✓		
Forest-related work of institutions and instruments;			✓			
Vital role of all types of forests and transboundary dimensions;			✓			
Concepts, terminology and definitions			✓			
International policy development and priority-setting for action.			✓	✓		

Matrix 1b: Analytical work made to address relationship between issues and options (cont)

Chapter 3. The discussions at the meeting of Madrid

Opening and presentations

The meeting was opened by the General Director of Nature Conservation, Mr. Enrique Alonso, who encouraged all the attendants to rich, if possible, although not needed, a sort of common position about the future institutionalised International Forest Regime, and therefor have a informed position at IFF4 and CSD8 meetings. He introduced Mr. José María Solano as Chairman for the meeting.

The representation of the Secretariat of IFF (Ms. Elisabeth Barsk-Rundquist and Ms. Tiina Vahanen) gave an introduction ; the background for international forest policy dialogue and relationship between Costa Rica – Canada Initiative and the IFF.

After this, the Chairman made a presentation of the results of the National Consultation Processes, as is showed in Chapter 2 of this Report.

Both presentations were followed by questions asking clarification of some of the conclusions.

Relationship between functions and options

After some methodological discussion, the Chair decided to discuss each function and its explanations showed in the previous presentation and showed a matrix to guide the discussions, which cells were to be filled with very brief descriptions of the relationship between functions and options.

Function 1: Common global objectives.

In the discussion, the Chairman was asked to take out from the explanations all the duplications that appeared to reflect as exactly as possible all the countries' reports. Some additional discussion took place about the adaptation of NFPs to a global framework, and while some thought it was a possible, others said the variation of conditions within Europe is so high that would be no possible to make a common framework.

In respect of the fulfilment of the function by the options, there were long methodological discussions, as some delegates asked for a fourth column that include the current international institutions, while others thought that these were included in option A, B and C. The Chair decided to follow the proposed table, due to the more clear distinction between options, but remarking that international institutions were included, not only in option A, but in all options.

At the end of this function, a general agreement was found in that option A only fulfil partially this function, due to the lack of a holistic way. As a new instrument could cover in a holistic and balanced way the forests, options B and C were considered as ways of fulfilment, but B has a higher commitment level and so, more effective implementation. The comments made by some of the attendants were in the line of the need of complementarity of these new instruments with the existing regime, to avoid duplications.

Function 2: Co-ordination and synergies

This function was felt as very important, as one of the main problems is the fragmentation and lack of holistic approach of the existing International Forest Regime. Discussion about this option turned upon the explanations, in an exercise to give them more precision. An aspect of reviewing and strengthening an umbrella for the mandates was asked to incorporate to function 1, but others felt that due to the interrelationship between different functions it was no relevant where is written, and the important is that appears. More precision was asked for the bullet of assistance to Developing Countries and Countries in Transition, in a way to explain that it has to be both technical and financial.

In the relationship with the options, it was found that option A does not fulfil this function, as there is no systematic co-ordination between instruments at all levels (international, national and sub-national) mostly seen when implementing. Regarding option B, it was seen that, although a new instrument has no predominance over the existing ones – point that was discussed also by some attendants – due to the holistic approach and the substance –the forests – could support and facilitate the implementation of other instruments. In fact, it was said that a new instrument should increase the implementation degree of existing instruments, as it would promote the implementation of them, actually not fully operative. It was preferred option B to option C because it was thought conceptually difficult to co-ordinate Legally Binding Instruments using a non-Legally Binding Instrument.

Function 3: Implementation and commitments

This function was very debated in its coverage, due to the difficulty in separate it from the previous, as partially that show its need in the implementation stage. The Chairman was asked to add some bullets as the need of a system of conflicts resolution, the reconciliation of the different instruments when implementing in forests, or create a good environment for sustainable forest management, not only in the legal field. Also some precision were asked, as supporting the national reform processes mostly in DC and CiT

About the options and this function, it was found that option A does not fulfil at all the function, as contradictions between instruments were found, and that commitment can be secured by a mechanism in a Legally Binding Instrument (option B), but depend only on political will in option C. Moreover, it was said that in option B the commitment could be permanent, but in option C can be changed depending on the political condition of each country and each moment.

Function 4: International forum

Firstly, the use of the term "forum" was discussed and some people asked to be changed by another, as could be some confusion with the current Forum IFF, as the function does not point to a forum of these characteristics, but to a permanent forum more or less as the Conference of the Parties of the other instruments.

The discussion was focused on the permanent character that could avoid the current ad-hoc structure, the exchange of experiences and the possibility of consensus building and mostly on the ability to take decisions and to solve possible conflicts.

Regarding the options, it was said that, although the three options have the ability to exchange of experiences and consensus building, only B and C can have, if decided, the character of permanence. About the decision taking ability, only B can have it, as A and C are based on the previous consensus, and in the conflicts solving, a mechanism can be designed in B, but in C only the political will can assure that the mechanism will be operative.

Function 5: Participation and equity

After a discussion about the exact meaning of the term participation, most of the opinions showed that all relevant stakeholders have to be heard at all levels and have the obligation of make them be heard, but the decision making is laid on the legal authorities. Some representatives of countries gave the institutionalised way to ensure the participation in their countries, and seemed that in Europe the participation degree is very high. Some of the opinions showed that at sub-national level issues was not so.

Regarding the equality and equity between countries, the general feeling was that, although seem to be an utopia, everyone has to try to work towards it. Chair was asked to add the concept of poverty eradication to this function.

About it relationship with options, it was concluded that the existing International Forest Regime fulfil this function only partially, in some fora, and with high differences between regions and even countries. It was recognised that in options B and C could be designed a mechanism to ensure in the first case and only to promote in the second, the fulfilment of the function, but in both cases it should have to take into account of national sovereignty and land rights.

Within the proposed framework, a very brief resume of the discussions about the relationship between functions and options can be seen in the follwing table, provided by the drafting committee.

Pros and cons of the options

		A	B	C
		EXISTING L. B. INSTRUMENTS	*NEW L. B. INSTRUMENTS*	*NON L. B. INSTRUMENTS & INITIATIVES*
1	***Common global objectives***	Partially fulfil the function. No holistic way	YES. A new instrument could be complementary with those in 1 A.	Yes. The same as 1B, but with less commitment level
2	***Co-ordination & synergies***	No systematic coordination between instruments when implementing	YES. New instrument could in substance co-ordinate and facilitate implementation of all other instruments	Yes. It is difficult to coordinate LBIs with a non LBI
3	***Implementation & commitments***	No. Sometimes there are contradictory rules	YES. Commitments can be secured by a mechanism	Yes. Commitments depend only on political will
4	***International "forum"***	Consensus building No permanent No decission taking No conflicts solving	Consensus building Permanent or not Decission taking Conflicts solving	Consensus building Permanent or not No decission taking Conflicts solving only with political will
5	***Participation & equity***	Fulfilled only in covered areas	YES. With care of National Sovereignity and land rights	Yes. Equity and participation is more difficult to ensure

Matrix 2: Analytical work made to address relationship between functions and options

The attendants were asked to make the exercise of applying the scheme to achieve this final output. As they had already the relationship between issues and options in one hand, and the relationship between functions and options in the other hand, making a relation between this, they could have the pros and cons of each option.

Finally, the Chair presented a list to the attendants, to receive comments. That list was discussed option by option. In the first option (Existing Legally Binding Instruments and Institutions), the agreed list was:

Pros

- *They are already in implementation stages*
- *Some have financial resources*
- *Relationship with institutions already established*
- *They address forest issues, sometimes intersectorally*
- *Represent existing & political commitments*

Cons

- *No holistic approach, fragmented International Forest Regime*
- *Functions only partially fulfilled*
- *No common aims & objectives*
- *Insuficient co-ordination between instruments*
- *Possible contradictions in result*
- *Lack of permanent forum with sufficient political mandate and legal authority*
- *Great variety in degree of participation*
- *Insufficient promotion of participatory mechanisms in implementation.*
- *Current regime is no flexible enough to cover new emerging issues.*
- *Existing LBIs act within their own mandate only*

It was discussed first the operativeness of existing regime, and of current instruments by some of the experts, and a new constraint was added in the sense that existing regime is no flexible enough to cover new emerging issues.

In regard with option B (New Legally Binding Instruments), the list presented was the next:

Pros

- *Provide a holistic approach (aims & objectives), which may take into account already existing instruments & institutions' mandates, and therefore could be complementary*
- *Potential of co-ordination between countries and co-operation between instruments to facilitate implementation of International Forest Regime*
- *Secures implementation of holistic approach through a legal authority*
- *Promotes compliance with existing instruments through a legal authority*
- *Provides a permanent forum with sufficient political mandate and legal authority to fulfil the functions and able to:*
    - *build consensus*
    - *be permanent*
    - *take decissions*
    - *solve conflicts*
    - *keep visibility in the political agenda*
- *High potencial for commitments in participation mechanisms at international and national level*
- *Clarification of the status of national sovereignity in International Forest Regime*

- There is a possibility of use of non legally binding instruments as a complement with the new Legally Binding Instrument
- Provide coherence in the investments
- Potential capacity to:
  - provide frame conditions for support NFPs through international cooperation
  - spend in the best way the resources,
  - mobilise human and financial resources, mainly from private sector.
- *there is the possibility of use of non legally binding instruments as a complement with the new Legally Binding Instrument,*
- *use currently available financial resources efficiently and effectively*
- *mobilize financing from available public and private, national and international sources through innovative approaches, strategies and mechanisms*
- *allow for a high degree of flexibility in using various sources of finance for implementation in order to respond to country-specific needs.*

Cons

- *Lenghthy negotiatiomns prior to the establishment, although probably accelerated by the work already made at IPF/IFF*
- *Formal character and degree of restrictions delays implementation*
- *If there is no financial mechanism in the new Legally Binding Instrument, a high degree of flexibility is demanded in using various sources of finance for implementation*
- *The forest sector of many countries could be not well prepared yet to have a Legally Binding Instrument.*

In the cons, the first one was discussed, as there were opinions in a way of thinking that after all the IPF/IFF work, the negotiations have unless a possibility to run fast, as the work should and will not start from the beginning, rather this could be a continuation of the ongoing work. Also a new cons was added, in the sense that the forest sector of many countries could be not well prepared yet to have a Legally Binding Instrument.

Chairman was asked too to modify the second pro, as the co-ordination is up to now only a potential of co-ordination, and to add the idea of building synergies. Also was asked to modify the form of third con, to not prejudge if there should be or not a financial mechanism in a new Legally Binding Instrument.

Finally it was agreed that the below pros and cons is also a description of the envisaged qualifications that the meeting saw for new Legally Binding Instruments. On the basis of UNCED decisions, IPF proposals for action and the IFF process, the meeting felt that such qualifications should meet with broad acceptance and offer a basis for detailed discussion in Ottawa.

Lastly, the third option (Non Legally Binding Instruments) pros and cons were presented as follows:

Pros

- *Provide a holistic approach (aims & objectives), taking into account already existing instruments & institutions' mandates, and therefore complementary*
- *Co-ordination between countries and co-operation between instruments to facilitate implementation of International Forest Regime*
- *Promotes compliance with existing instruments*
- *Able to provide a forum to fulfil the functions and able to keep visibility in the political agenda at a lower level of commitment*

Cons

- *Brings faster the international forest community into action, but does not ensure or guarantee acomplishment of implementation of International Forest Regime considering the complexity of the forest issue*
- *Does not secure implementation of holistic approach through a legal authority*
- *Political status and legal authority is not enough with regard to other instruments and national implementation and compliance*
- *Very sensitive to political will and changing priorities*
- *The new International Forest Regime must fit with today's society, that not seem to demand a non legally binding regime*

There was not many discussions on this last option. Only was asked to add a new con, in the line that we must design a system that fit with today's society, and it does not seem to be very compatible with a non legally binding regime.

Chapter 4. Conclusions

The general conclusions of the meeting come either from the national reports submitted from the countries and organisations, and from the discussions that took place in the meeting of experts.

The existing International Forest Regime shows gaps and overlaps, lack of synergies, uncertainity in focus and limitations in effective implementation and compliance in the opinion of most of the experts.

The list of elements of global concern that comes from IFF was considered as a good working list of issues to be addressed in any future international forest regime.

The meeting recognised also the relevance of the functions concept and the need and usefulness of using it to address the options of the future international forest policy dialogue.

The meeting agreed in a list of pros and cons of each of the proposed options, taking into account both the issues to be addressed and the functions to be fulfilled by each of them, that is indicated in chapter 3.

While fully recognising the strength and shortcomings of the existing international forestry regime and understanding the nature and complexity of the consensus building international forestry dialogue with specific regards to the large variety of problems and priorities in the different regions of the world, the meeting concluded that based on their pros and cons the most preferred way of addressing the aforementioned forestry issues is the development of New Legally Binding Instruments, followed by working on New Non-Legally Binding Instruments, while Existing Legally Binding Instruments were felt to provide less success and efficiency compared to the two previous options.

The meeting did not come to a consensus what legal authority or legal status the international forest policy dialogue should have in the future. It have been also said that more work needs to be done in terms of deriving appropriate options from the functions.

Aknowledgements

The meeting thank Mr. Luis C. Leal for accepting to be with the Chairman conducting the meeting, and his participation, with Mr. C. Mersmann, P. Csoka, and H. Granholm in the drafting Committee of the meeting.

The organisation want to thank also to the members of the Steering Committee for their help in taking decisions that have improved the quality of the outcome of this process.

The participants expressed their appreciation to the Government of Spain for hosting the European meeting and to Mr. Jose María Solano in organising and chairing the meeting.

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Regional meeting of the Costa Rica-Canada initiative

South-South America
October 6-8, 1999
Buenos Aires, Argentina

Report

Experts from the following countries participated:

Argentina
Chile
Paraguay
Uruguay

INTRODUCTION

1 . The international community has been discussing a broad gamut of issues related to the management, conservation and sustainable development of forests of all kinds for a number of years now. However, it has been difficult to reach a consensus on the most suitable instrument for dealing with these elements. Consequently, Costa Rica and Canada decided to work together to launch a process in support of the work program of the Inter-governmental Forum on Forests, intended to identify potential elements and to work toward a consensus on the need for international arrangements and mechanisms for forests of all kinds. In this context, the initiative seeks to promote neutral, transparent, participative and representative forums to facilitate technical discussions on those arrangements and mechanisms.

2. The Costa Rica – Canada Initiative (CR-CI) consists of three stages. The first, was a meeting of experts held in San José, Costa Rica, from February 22 to 26, 1999, which discussed the basic list of elements and prepared a methodology for the process. The second consists of a series of regional meetings to analyze the benefits and potential elements of international arrangements from the regional standpoint. The third will be a final meeting in Canada at the end of 1999 to consolidate the results of the meeting of experts in Costa Rica and the contributions of the regional meetings and to prepare conclusions and recommendations to be presented at the fourth session of the Inter-governmental Forum on Forests early in 2000.

3. The South-South Regional Meeting under the Costa Rica – Canada initiative was organized by the Department of Natural Resources and Sustainable Development, which reports of the Office of the President of Argentina. It was held at the offices of the Department of Natural Resources and Sustainable Development in Buenos Aires from November 6 to 8, 1999, and was co-sponsored by the Swiss government.

4. The South Cone meeting was the first to be held on the American continent and forms part of the series of meetings that have been or will be held in Malaysia, Zimbabwe, Spain, Turkey, Cameroon, Ecuador and Mexico.

5. The participants invited to attend the South-South Regional Meeting included representatives of governments, government agencies and non-governmental organizations, social groups (native peoples, rural organizations, women's' groups, labour, etc.), the private sector and other special guests. The list of guests and participants is attached as **Annex I**.

OPENING CEREMONY

6. The National Director of Sustainable Development, Carlos Merenson, representing the Minister of Natural Resources and Sustainable Development, cordially welcomed the participants in his opening address, underlining the importance of forests for the world and for Latin America in particular. He hoped for a fruitful and broad discussion of the different topics on the agenda. Mr. Ricardo Ulate, Co-Director of the Secretariat of the Costa Rica – Canada Initiative thanked the participants for attending the meeting and the Argentine government on behalf of the two initiative countries for its willingness to foster an open discussion under the principles and mandate of the initiative. He also mentioned the secretariat's role as observer and invited those present to participate fully in the discussions under the working agenda, stressing the need to obtain specific products in each of the stages, according to the methodology that had been established.

The opening addresses are attached as **Annexes II** and **III** respectively.

7. The agenda for the meeting is attached as **Annex IV**. The meeting only involved plenary sessions so there was no need to establish working groups. Manuel César Saavedra (facilitator), Horacio Crosio and Cristina Resico (rapporteurs) were responsible for guiding the discussions and reporting the results. A support group provided by the Department of Natural Resources and Sustainable Development also assisted with operational aspects of the meeting.

8. The Secretariat of the Inter-governmental Forum on Forests was invited to attend the meeting, which sent Mr. Jaime Hurtubia as its representative. He made a presentation on background, the work program and the prospects for dialogue on Category III of the forum's work program.

9. Prior to the meeting, the Argentine government identified a contact person in each of the participating countries to whom it sent all the information and explained the scope and methodology of the meeting, requesting that national information processes and consultations be held with interested sectors, and recommending that experts from those sectors participate. Information and travel facilities had been provided for potential participants but, at the last minute, the anticipated number of guests did not attend, for reasons beyond the control of the Initiative or the organizing committee.

10. The Argentine organizing committee held a series of local meetings with different interested sectors in order to inform them about the process of the Costa Rica – Canada initiative and launch discussions on the issues. The meetings led to the identification of sector representatives for the regional meeting (**Annex V**), and the participants made suggestions for a preliminary list of possible elements (in accordance with stage one of the initiative) (**Annex VI**).

THE COSTA RICA – CANADA (CR-CI) INITIATIVE APPROACH

11. For all the regional meetings, the directing committee of the CR-CI prepared a common methodological approach known as the "Costa Rica – Canada Initiative Approach" which was to be used as the general framework in order to facilitate consolidation of the contributions of the different regional meetings into a single final report. The CR-CI Approach is attached as **Appendix VII**. It consists of the following four steps:

Step 1: To identify a working list of elements for an international arrangement or mechanism for forests of all kinds.

Step 2: To identify options for analyzing the elements.

Step 3: To weigh the pros and cons of the options that require legally binding instruments to make progress in the elements.

Step 4: To evaluate actions to facilitate international consensus on matters relating to Category III of the work program of the Inter-governmental Forum on Forests.

STEP 1: TO IDENTIFY A WORKING LIST OF POTENTIAL ELEMENTS

12. The participants in the plenary sessions discussed and produced a working list of potential elements for international arrangements and mechanisms, in accordance with step 1 of the CR-CI Approach. To that end, the organizing committee distributed a list of elements produced at the meeting of experts held in San José, including brief mention of possible contents for each. The participants had an opportunity to voice their opinions and make suggestions regarding the contents (**Annex VIII**). They made a series of suggestions on eliminating, adding and combining elements, since some were closely related to others. This enriched description is shown in the final list presented in **Annex IX**.

STEP 2. TO IDENTIFY OPTIONS FOR ANALYZING THE POTENTIAL ELEMENTS

13. Step 2 of the methodology was carried out in two parts. First, the elements were classified into those that could potentially be treated in a binding instrument and those that could not **(Annex X – Step 2-1)**. Next, for those that required binding instruments, it was determined which would require a new instrument and which could be treated under an existing instrument. Each of the steps was discussed and the results are presented in **Annex XI – Step 2-2.**

STEP 3. TO WEIGH THE PROS AND CONS OF OPTIONS THAT REQUIRE LEGALLY BINDING INSTRUMENTS

14. The discussions under this step only considered elements that had previously been classified as requiring a new legally-binding instrument, and the pros and cons were discussed. The participants considered that although some of the elements were already contained in existing international instruments, they had not been thoroughly dealt with and therefore they should be set forth in detail in a new, specific, binding instrument on forests. It was also noted that certain matters should be approached from a national or regional standpoint, but that this would not necessarily require their exclusion from a global instrument. A margin for flexibility should be allowed to permit the countries to issue policies and make decisions based on their specific situations **(Annex XII)**.

15. One of the participants' main concerns was that additional financial and technological resources would be required for shouldering the responsibilities of comprehensive management to guarantee the sustainability of forest resources on all levels.

16. Before the draft final report was read, the participants were given time to voice their impressions, opinions, suggestions and recommendations. While not being a focus of the meeting, one aspect that was particularly enriching arose during the discussions, i.e. the activities, concerns and needs on the domestic and regional levels to achieve sustainable forest management. The points raised are summarized below:

- Sustainable forest management should be the objective of all countries. With respect to the Inter-governmental Forum on Forests, in particular, the meaning of **forests of all kinds** should be clarified.
- It was important for countries to participate in the Inter-governmental Forum or in some other forum to discuss issues relating to forests
- The United Nations should be urged to establish a sustainable forest management network on the regional level.
- In view of the need for financial resources, it was proposed that a special fund be established for sustainable forest management in a specialized agency (the World Bank, the Inter-American Development Bank, for example) to be used for forest programs.
- It was necessary to pay close attention to technology transfers since it was clear they should be stepped up and this implied higher costs than some countries were in a position to pay. International cooperation was of prime importance in this regard.
- Aspects involving trade and the environment were of highest concern to the countries, particularly to net exporters of wood.

- Clear rules were required for forest certification, based on the special features of regions, and providing protective mechanisms to prevent nontariff barriers to international trade from becoming an impediment.

- Questions were raised regarding who performed the certifications and the role played by governments, since it was not desirable for private certification companies to operate without a regulatory framework. Certifications should not contribute to the creation of nontariff barriers.

- Clear rules should be established and respected in international trade, considering existing conventions, for example the CBD and others that are not targeted to sustainable forest management.

- The presence and role played by international agencies (FAO, GTZ and others) should be stepped up in developing countries, particularly in the South-South region. It was noted that many networks had ceased to operate owing to lack of funding.

- Recommendation: National and international public opinion should be made aware that subsidies in the forest sector were profitable investments in the medium and long terms. They were necessary since the private sector was not in a position to cover certain costs.

- Closer South-South cooperation was necessary.

- The seriousness of deforestation of native forests in the region and the existence of cross-border pressure on resources were acknowledged.

- It was important to establish regional positions on forest issues.

- A system of exchanges among countries should be established to strengthen them internally, for example through a periodic South-South working group, with support from the countries or international agencies.

- Governments were urged to adopt policies to strengthen the forestry sector, under a framework of coordinated actions with the private sector.

- Although national debate and understanding of the issue were difficult to achieve, it was necessary to promote and deepen the debate. The establishment of permanent national forest forums with broad sector participation in countries where they did not exist at present was recommended.

- Participation by all stakeholders should be encouraged. This meeting had been very important since it provided information and made a better understanding possible.

- National forest legislation should be harmonised with legislation in other sectors.

- Progress should be made in national forest programs.

- Recommendation: The countries should define and implement a national forest policy.

- With respect to traditional forest knowledge, the rights of owners over biological and genetic resources were affirmed and the subject should be studied in greater detail.

- Criteria and indicators should be implemented gradually.

THANKS

17. In her closing remarks to the meeting, Ms Denyse Rousseau representing the Costa-Rica – Canada Initiative thanked the Argentine government for its hospitality and willingness to organize the meeting. On behalf of the Department of Natural Resources and Sustainable Development, Jorge Menendez thanked the participants for their active participation and contributions to the meeting, and the Swiss government for its co-sponsorship.

STEP 4: EVALUATION – OPINIONS ON FURTHER ACTION TO FACILITATE THE ACHIEVEMENT OF AN INTERNATIONAL CONSENSUS ON MATTERS RELATING TO CATEGORY III OF THE INTER-GOVERNMENTAL FORUM ON FORESTS' WORK PROGRAM

Point 1: Did the meeting improve your understanding of the issues related to category III of the work program?

- The participants felt that it had, stating that several new forest issues had been discussed, they had learned more about the different documents available in different parts of the world, and that the exchange of ideas and opinions had enriched the results.

- One participant felt that it had not, but did not give reasons.

- It was also suggested that the international dialogue be publicized more widely.

Point 2: Did you find that the Approach facilitates open debate in which everyone can participate?

- One participant did not, since he considered that the methodology limited the possibility of debating the issues openly.

- The rest of the participants did. The approach permitted free expression, participation and discussion of the issues.

It was also mentioned that the mechanism could be optimized if steps 2 and 3 were linked, since this would enrich the final discussion. The method should be clearer in some cases.

Point 3: Are more or different background documents necessary to help create an international consensus on issues relating to category III of the work program?

- The documentation was considered suitable in quantity and quality.

- There was a need for more dialogue on the national and regional levels.

- In some cases, more time was required to study the documentation in detail.

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Regional meeting of the Costa Rica-Canada initiative

Near East, Caucasia,
Central and South Asia
October 12-15, 1999
Istanbul, Turkey

Report

Experts from the following countries participated:

Armenia
Azerbaijan
Bengladesh
Cyprus
Djibouti
Egypt
Georgia
India
Iran
Iraq
Jordan
Kazakhistan
Kyrgyztan
Morocco
Nepal
Oman
Pakistan
Saudi Arabia
Malta
Syria
Sudan
Tunisia
Turkey
Turkmenistan

PREFACE

The Regional Meeting in support of the Costa Rica – Canada Initiative hosted by the government of Turkey co-sponsored by FAO was held in Istanbul, Turkey, October 12-15, 1999. The meeting was one of the 8 Regional meetings that organised to support the programme of work of the Intergovernmental Forum on Forest (IFF) on Category III ; arrangements and mechanisms to promote the conservation, management and sustainable development of all types of forests.

The aim of the meeting is to provide better information in order to facilitate the policy makers to reach a well informed decision during the next meeting of IFF4 and of the Commission on Sustainable Development of the United Nations in early Two Thousand. Such decision will be crucial for the future of humanity, since the future of the forest is going to be decided.

The meeting was attended by 76 participants from 26 countries located in Near East, Central South Asia and the Caucasian regions. Participants were experts from the variety of institutions such as forestry sector organisations, universities, NGOs, private sector and observers from IFF and CRCI secretariats.

The Regional Meeting was opened by the Minister of Forestry of Turkey. He expressed his pleasure for being host country and he pointed out the importance of the meeting for the supporting of the global forestry debate and mentioned the Turkey's efforts and interests after the Rio Summit.

Following the formal opening, 5 keynote speakers introduced the Intergovernmental processes on the forestry policy deliberations and the idea, aims and the approach of the CRCI Initiative, so that the participants were ensured to get more familiar and to have necessary knowledge before the group discussions take place.

There were 6 plenary sessions and 2 working group discussions including four steps of the standard approach of the Initiative which is being followed by all the regional meetings. Each group has one facilitator, one resource person and one reporters.

Three groups were established and the 75 elements shared by the groups during the group discussions. Afterwards the outcome of the group works presented by the group's reporters to all participants through following plenaries.

On the last day of the Regional Meeting, the participants had an excursion for a panoramic spectra from the Bosphorus and Istanbul city organised by the Organising Committee.

INTRODUCTION

1. The international community has been discussing a wide range of elements related to the management, conservation and sustainable development of all types of forests. It has been difficult to reach an agreement regarding the instruments that might best address these elements. Therefore Costa Rica and Canada have agreed to enter into a partnership to initiate a process in support of Intergovernmental Forum on Forest (IFF) to identify possible elements and work toward a consensus on the usefulness of having international arrangements and mechanisms, for example a legally binding instrument on all types of forests.

2. There are still a series of disagreements among the interested parties on how to adequately address the promotion of management, conservation and sustainable development of all types of forests. Costa Rica and Canada entered into a partnership to initiate an information consultation process so as to allow the gathering of the views of the different interests and sectors involved.

3. Within this context, the initiative seeks to provide neutral, transparent, participatory and representative forum to facilitate technical discussion on legally binding instruments on all types of forests and consider possible elements of such instruments.

4. The Costa Rica -Canada Initiative is a supportive process of IFF's Programme of work, Category III, arrangements and mechanisms to promote the conservation, management and sustainable development of all types of forests. The Initiative consists of three stages and the, the first one was an expert meeting in San Jose, Costa Rica, from 22 to 26 February 1999.

5. The second stage consists of 8 regional meeting which was decided in Son Jose meeting where and when they would take place. Out of this one, the others will be held /or were held in Cameron, Spain, Argentina, Kuala Lumpur, Malaysia, Ecuador, Mexico and Zimbabwe.

6. The third stage will be the final meeting to be held in Canada at the end of 1999 that will consolidate the results of the regional meetings. The conclusions and recommendations of the final meeting will be submitted to the fourth session of the Intergovernmental Forum on Forest.

7. The regional meeting held in Istanbul on 12-15 October, 1999 was organised by the Ministry of Forestry of Turkey and co-sponsored by the Food and Agriculture Organisation. It included vast regions consisted of Near East, Central and South Asia and the Caucasian.

SUMMARY OF THE REGIONAL MEETING, TURKEY

The Turkey's Regional Meeting of Costa Rica-Canada Initiative was held between 12-15 October 1999 in Istanbul, Turkey. It was one of the vast one in terms of the number of countries where the experts came from. It was attended by participants from Near East, Caucasian, Central and South Asia regions including 26 countries. 78 participants from government organisations, international institutions, non governmental organisations (NGOs), private sectors and local authorities attended the meeting.

Opening and Welcoming Speeches

Mr.Y.Yüksel, Chairman of the Regional Meeting welcomed the delegates. He also gave brief information about the International processes on the issue of sustainable forestry dialogue from the Rio Summit to the CR-C Initiative. (Annex I)

The regional meeting was opened by Hon. Minister of Forestry, Prof. N. Ça an who expressed his warm welcome and appreciation for hosting such an important meeting in his country. In his opening remarks, he mentioned that forests are the unique ecosystems which offer variety of direct benefits in terms of the wellbeing of the present and future generations. He drew attention of the participants to the following issues;

- the role of forestry in terms of local, national and global point of view,
- forestry development issues such as Forest Principles, Chapter 11 of the Agenda 21, combating desertification and biological diversity highlighted by UNCED.

- forestry related issues being tackled by international instruments and mechanisms,
- the major characteristics of Turkey's forests and forestry policy,
- active participation and hosting of the government of Turkey to the various forestry processes at international and regional levels, the most important one was XI. World forestry Congress held in 1997 (Annex II).

In this regard, he expressed his wishes that the role of the meeting would be useful for the initiative and the next steps of the IFF's efforts. Then, he expressed his pleasure for hosting the Regional meeting for attention of all participants and for the presentations made.

Keynote Speeches

Four key speakers deliberated on the following complex issues;

An overview of intergovernmental deliberations on forest policy, by J.Maini
Progress in intergovernmental deliberations on forest policy, by T. Michaelsen
Introductory remarks from the CR-C Secretariat, by J. Carette
Overview of international instruments and regional experience, By M. Dogru

Mr. J. Carette, Co-President of Costa Rica-Canada Initiative, expressed his sincere thanks to the Government of Turkey for hosting the meeting and FAO for its contribution on behalf of the Initiative. He also mentioned the importance of the eight Regional Meetings which will be of significant benefit to the Initiative. In this connection Mr Carette highlighted the objectives of the Costa Rica – Canada Initiative which supports the Intergovernmental Forum on Forest and he pointed out that the Initiative would bring together more than 600 forest experts from all around the world to learn from one another. Then he urged the participants to take every opportunity to express their views adding that understanding the reasons behind the range of views was very important for building consensus. Finally, he thanked the organisers for their arranging of the facilities and the rapporteurs and the facilitators for their assisting to the Regional Meeting. (Annex III)

Mr J.S. Maini and Mr. T. Michaelsen, Secreteriat of IFF, highlighted the intergovernmental deliberations on forest policy. They pointed out the context of international deliberations, description of intergovernmental dialogue on forest and progress made and some comments on the challenges ahead (Annex IV.) .

Mr. Maini stated that the context of international deliberations guided by three overarching principles including the sovereign and economic development rights and global responsibility of States. He said that the expanding scope of some forest-related issues has attracted the intention of the international community includes deforestation, degradation of subsistence value, international trade, environment, sovereignty, evolving international partnerships, international agreements and forest dwellers and indigenous people.

Mr. Michaelsen explained the progress in intergovernmental deliberations from 1990 to present, stressing the polarisation taken place in Rio Summit and the IPF and IFF process, as an open, transparent and inclusive process, endorsed by high political levels as well as by professional groups, established in 1995 and 1997 respectively. He also mentioned several areas that need further attention of the international community consisting of challenges ahead and the next steps.

Mr. Dogru made overview existing relevant legally and non-legally binding international legislation and instruments. He expressed in his presentation that there was no significant study undertaken in relation to implementation of the existing international Conventions and non-legally binding arrangements and mechanisms in the Near East Region. He also gave same information about the progress made in the Region on the relevant international legally binding and non Legally binding instruments (Annex V).

He also pointed out that majority of the Near East countries have already been involved, by signing and/or ratifying, in most of the existing legally-binding and non-legally binding arrangements and mechanisms. The existing conventions discussed above, except the International Tropical Timber Agreement (ITTA), are not specifically designed for forests and forestry, but have significant relevance and impose various obligations for forests and sustainable management of forest resources.

Mr. Dogru mentioned that international and regional instruments address forest related issues in specific contexts, embody the concept of sustainability, and address many cross-cutting issues relevant to forests. Non-legally binding arrangements and mechanisms on the other hand, have specifically been designed and directly address the necessary actions for strengthening conservation and sustainable management of forest resources at global, national, regional and local levels. While each of the existing convention aims to address a different specific aspect of sustainable forest management, there are also commonalties between the aims of some conventions.

Mr. Yüksel on the other hand, presented the agenda of the meeting which was accepted by no amendments or changes at the next plenary. He also introduced the three reporters and facilitators to the participants for their approval. Both were approved by a unanimous vote.

Presentation of the Approach

Mr. K. Temur, member of Organising Committee of the Regional meeting introduced the CRCI Approach to the participants at a plenary session. He pointed out that the method and procedure which, to be followed during the meeting, were more or less similar to the standard approach used at the other seven regional meetings. He clarified that the regional meeting consisted of 4 steps and the process to be continued gradually from Step 1 to Step 4, while Step 1, 2 and 3 were the main parts of the meeting, step 4 was an evaluation phase covering only a questionnaire. Furthermore Mr. Temur also reminded that all the related documents provided from the CRCI Secretariat in three languages (English, Russian and Arabic) were sent to around 40 countries in the region by the Regional Meeting Secretariat in advance. Therefore, the participants are supposed to have some knowledge and quite familiar to the approach.

STEP 1 - Introducing the working list of elements

The working list of elements presented by M. Düzgün, Chief Reporter, to the participants at plenary. He mentioned that in addition to the 71 elements identified at the first expert meeting in Son Jose, Costa Rica, 12 new elements and 6 combinations proposals were received from the countries in the region. He presented that new proposals and 4 new elements had been accepted to be added in the existing list. Thus the number of elements to be dealt with in this Regional Meeting raised up to 75.

STEP 2 and STE P 3
Working Groups

The participants were divided into three groups and worked parallel at Step (2), identification of options for addressing elements and, Step (3), Pros and Cons of legally binding options. The 75 elements shared among the three groups. Group I, elements 1-27; Group II, elements 28-54 and Group III, 55 -75. No special attempt was made to classify the elements into thematic groups. Group discussions consisted of 3 sessions plus 2 plenary sittings by which the groups were given an opportunity to inform about the other groups' discussions. Apart from the participants, each working group had one reporter, one facilitator and one resource person.

Outcome of the Group Meetings

The working groups completed their task in the direction of the approach introduced. A number of outcomes provided by the group meeting which reflected the idea and usefulness of international forestry related instruments and mechanisms on the deliberations towards the promoting of conservation, management and sustainable development of all types of forests in general, and the potentials and the constraints facing in the regional forestry debate in particular. A broad summary of the outcomes of the steps and the working groups' studies is given in Chapter .....

Closing Session

Chief Reportouer submitted the draft report of the Regional Meeting. The participants approved the draft report by acclamation. Many participants congratulated the Organizing Committee for their efficient arrangements and the facilities offered during the meeting. Even also, a decision for sending a congratulation and giving thanks message through the CRCI Secretariat to Minister of Forestry and the Prime Minister of Turkey were proposed by some participants and approved by all.

The Chairman of the meeting, Mr.Y.Yüksel, thanked all the participants for their valuable contribution and attendance to the meeting as well as the members of the Organising Committee for their efforts.

Mr. Carette, CRCI Secretariat, in his closing remarks, expressed his satisfaction with the regional meeting and he said that the outcomes of the meeting is much likely to contribute the Initiative. He presented, on behalf of Mr.Ricardo and himself, their sincere admiration and appreciation to the all participants and specially to the Ministry of Forestry and the Organising Committee. He also mentioned that, reports from the regional meetings were being expected in a short time and the adequate inputs that would contribute the efforts of the international community to provide better opportunity of forest and related services for the actual and future generations (Annex VI)

Conclusions and Recommendations

The Regional meeting of the CRCI held in Istanbul on 12-15 October, 1999 adopted a number of conclusions. Many of them reflected in the Annexes 2 and 3 which have been raised during the group workings. Following general conclusions are stressed at the plenaries and the group studies by the participants;

- During the discussions the proposal of stetting up of a **"Global Forestry Facility"** (GFF) was accepted. It should be on the lines of GEF (Global Environment Facility) for Biodiversity Convention. It should be set up to provide policy, strategy and financial support to developing countries. This should be a precondition for setting up of the institution of the legally binding forestry convention to safeguard the interest of the developing countries. The FAO can sense as the technical adviser to this facility.

- Out of 75 elements 19 elements were found that they have already been adequately tackled by existing instruments and mechanisms and they should be strengthened. Likewise, 9 elements were suggested to combine with some other elements which are similar in terms of the context of their definitions.

- The working groups proposed that 8 elements certainly needed only new international legally binding instrument; for 13 elements participants proposed both legally binding and legally non-binding new instruments by some means or other.

- It was pointed out that the elements 21, 23, 43 and 65 might be considered and treated country-specific basis and could be attended no matter in existing instruments or new legally instruments.

- Because of the specific forestry conditions which countries are facing in the region, the participants have mainly concentrated on issues of forestry such as; Financial mechanisms, International coordination, technology transfer, deforestation, forest protection, desertification and drought, socio-economic dimensions, participation, rural development policy, public access, social forestry, agroforestry etc.

- Total 28 elements were evaluated for a better understanding of the relative pros and cons of legally binding options for advancing each element and some participants stressed the close linkage between the cons of the option and the basic functions that can fulfil.

- Many participants stated that because of the highly political nature and national sovereignty concerns of some specific elements, legally binding instruments at national level precede the international ones. In this connection, national sovereignty, economic, social and political situation of the countries have the potential to reduce the effectiveness of the international legally binding instruments thus, they should be taken into account.

- A number of participants considered that instead of the 75 elements which are too many to be handled, arrangement of some basic categories of the elements would be easy to identify the level of treatments and more suitable options regarding their major context and implementation mechanism,

4. THE APPROACH OF THE COSTA RICA - CANADA INITIATIVE

4.1. The standard approach of the Costa Rica-Canada Initiative, given in Appendix 1, applied by the region to facilitate the compatibility and consolidation of the findings from regional meetings. The approach was presented by Mr. Kayihan Temur, forestry expert, member of the Regional Meeting Organising Committee.

Application of the approach at the Regional Meeting;

Step 1: Identification of a working list of possible elements

- Prior to the meeting

- The organising committee sent the list of elements from the experts meeting in San Jose, Costa Rica together with the source and working documents to participants.
- Participants were asked to analyze the list and add any new elements and to submit these to the organizing committee.
- Four countries (Bangladesh, Malta, Nepal and Turkey) submitted new possible elements.
- Two countries (Nepal and Turkey) proposed combination of some elements (9-11, 13-14, 46-72, 3-11, 21-27-39 and 42-49) on the List.
- The organizing Committee of the meeting prepared a revised working list of possible elements (see Appendix 2) that reflects the views received from the participants.

- At the meeting

- Mr. M. Düzgün, Chief Reporteur, presented the list of possible elements in plenary
- Elements received from the countries were consolidated into 75 elements (see Appendix 3)

Step 2: Identification of options for addressing elements

- The participants were divided into 3 working groups. Group I and II deliberated on 27 different elements and Group III deliberated on 21 different elements.
- Discussions in the working groups were moderated by expert neutral facilitators.
- To arrive at the best option, the following critical questions were asked for each elements;
  - Is the element addressed by existing instruments?
  - If so, how well is it addressed?
  - If it is not well addressed, what are the reasons? And comments.
  - What is the best option?
    - (a) Strengthening the existing instruments,
    - (b) New LB instruments,
    - (c) New LNB instruments.
- In order to arrive the best option, use of flow chart from the CRCI secretariat was recommended.
- The outcomes of the groups works were presented and further discussed at the plenary session.

Step 3: Pros and Cons of Legally binding options identified in Step 2.

- Participants continued working in their own group
- The following subjects were asked to be considered by the group members for each element;
  - Effectiveness of the option to generate on the ground progress
  - Impact of the option on national interests
  - Effectiveness of the options to address the special needs of developing countries
  - How does the option fulfil the basic functions that should characterize future international arrangements and mechanisms, as suggested in the list derived from the IFF 3 report. This was an additional input from the region.

Basic functions (IFF3 Report)

The basic functions, as derived from IFF3 report, are listed as follows;

(a) Secure political commitment to sustainable forest management,
(b) Elaborate objectives in line with UNCED decision and IPF proposal for action
(c) Develop, guide, promote and formulate policy action on forest-related issues
(d) Develop and set priorities for action, address emerging issues
(e) Coordinate forest-related work with relevant organizations and instruments
(f) Support and identify needs for international cooperation
(g) Enhance international cooperation and improve effectiveness, efficiency and coordination of bilateral and multilateral assistance to support the efforts and respond to the needs of developing countries and countries with economies in transition
(h) Review, assess and report on progress towards sustainable forest management and on the state of the world's forests

- (i) Provide effective governance of a common and comprehensive forest agenda for action by the forest community
- (j) Provide a forum for interested parties to exchange experiences, discuss concerns, and propose solutions for achieving sustainable forest management
- (k) Facilitate efficient coordination and comparability of concepts, terminology and definition

- What is the potential to reach consensus if the element is addressed in a New LB instrument? (This was additional input from the regional meeting).

- The outcomes of the group works were presented and further discussed in the plenary session.

Step 4: Evaluation

In order to identify further actions to facilitate the ability of the Costa Rica-Canada Initiative to build international consensus on matters relating to category III of the IFF's programme of work, participants were asked to fill out the survey form and leave it with the regional meeting secretariat.

4.2 4.2 Presentation of the working list of possible elements

At the third plenary of the Regional Meeting, M. Düzgün, Chief Rapporteur, presented the existing list of elements which included those identified in the first expert meeting in Costa Rica and those proposed by the countries of the regional meeting to be added to the existing list. The 71 elements which were identified in the first experts meeting of the Costa Rica-Canada Initiative in San Jose, Costa Rica, were introduced to participants.

Afterwards the new 12 elements proposed by the member countries were opened to discuss whether they would be added to the existing list of elements. Four of them were suggested and accepted to be added to the existing list and the number of elements to be discussed in this regional meeting was raised up to 75 (Annex 1).

The new elements added the working list are as follows:

- Urban forestry/ green belt plantations
- Poverty alleviation through leasehold forestry and social forestry / poverty alleviation in forest-dependent communities),
- Impact of population increase on forest,
- Wildlife management.

Again at this session, 6 combinations of certain elements recommended by the member countries in advance were discussed and participants suggested that they should be decided in the related working groups during the step 2 sessions.

Analysis of the Outcomes of the Steps; 1, 2 and 3 (1)

As mentioned before, the Regional Meeting brought together 78 participants including foresters, NGOs representatives and experts on related fields from 26 countries throughout very wide regions covering

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(1) Summarised and Presented by Mevlut .Düzgün, Chief Reporter, the Regional Meeting, Turkey.

Near East, Central and South Asia and Caucasian. In this connection, because of the distribution of countries which represent a variety of forestry conditions where the participants came from, the meeting ensured diverse viewpoints in the presentations and brainstorming discussions during the study of working groups.

The homogeneousness of the working groups in terms of expertness and special experiences allowed participants to share and exchange of ideas and gain new knowledge not only on the contents of the meeting but also on forestry in general in a warm discussion atmosphere.

The outcome of the three steps may be summarized as follows;

STEP 1

Identification a working list of possible elements

1.1 The step 1 was performed as a plenary session. The 71 elements which identified in the first experts meeting of the Costa Rica-Canada Initiative in Son Jose ,Costa Rica, were introduced to participants. Afterwards the new 12 elements proposed by the member countries were opened for discussion whether they would be added to the existing list of elements. Four of them were suggested and accepted to be added to the existing list and the number of elements to be discussed in this regional meeting was raised up to 75 (Annex 1).

1.2 Again at this session, 6 combinations of certain elements, recommended by the member countries in advance, were discussed and participants suggested that they should be decided in the related working groups during the step 2 sessions.

THE WORKING GROUPS

- The participants were divided into three groups and they worked in parallel on the remained two steps: Step (2), identification of options for addressing elements and, Step (3), Pros and Cons of legally binding options.
- The 75 elements were shared among the three groups: Group I, elements 1-27; Group II, elements 28-54 and Group III, 55 -75. No special attempt was made to classify the elements into thematic groups.
- Group working discussions started on the second day of the Regional meeting and consisted of 3 sessions plus 2 plenary sittings by which the groups were given an opportunity to inform about the other groups' discussions.
- Apart from the participants, each working group had one reporter, one facilitator and one resource person.

STEP 2

Identification of options for addressing elements

2.1 The Regional Meeting Secretariat prepared the Table 2 to be used as standard form listing major existing legally binding and legally non-binding instruments and mechanisms which addresses the elements identified under Step 1. Each working group dealt with one group of elements mentioned above.

2.2 The facilitators and resource persons guided the working group participants to identify legally binding and/or legally non-binding instrument options for addressing each element of working list. Three options given by CRCI Approach, were suggested during the group discussions:

Option 1: Existing instruments should be strengthened,
Option 2: New legally binding instrument is needed,
Option 3: New legally non-binding instrument is needed.

2.3 After two sessions of the working group discussion under step 2, 75 elements were examined in the standpoint of treatment level performed by the related international and regional instruments and the following conclusions were achieved;

(i) Participants suggested that 19 elements were already been adequately tackled by existing instruments and mechanisms and they should be strengthened. These the elements are 5d, 8, 13, 15, 16, 27, 37, 41, 43, 44, 46, 47, 52, 53, 54, 61, 69, 71, 74 (Table 1).

(ii) 9 following elements were suggested to combine with some other elements which are similar in terms of the context of their definitions. These elements are:

numbers 3 and 11 : *Forest assessment inventories* with *Extend of national forest cover*
numbers 18 and 19 : *Trade and Market access*
numbers 46 and 71 : *Education training and Research*
numbers : 57, 63 and 64*Rural policy and land use* and *Maintenance of forest policy* and *Integrated land use planning*

(iii) The working groups proposed that 8 elements are certainly needed only new international legally binding instrument. These elements numbered in Table 1, are 28, 29, 31, 35, 40, 48, 49, 51.

(iv) For 13 elements (numbers; 1, 3, 7 9, 10, 17, 21, 23, 26, 63, 65, 69, 70) participants proposed both legally binding and legally non-binding new instruments by some means or other.

(v) For the elements number 1, 3 and 23, participants have not made clear decision among the options whether they should be treated under LB, LNB or existing instruments.

(vi) For elements number 2, 4, 5a, 5b, 12, 13, 18, 19, 20 and 24, participants proposed either new legally non-binding or they might also be treated under the existing instruments. And likewise, elements 34, 36, 37, 39, 42, 43 and 45 were proposed that they might be treated as both existing instruments and new legally binding.

(vii) Participants pointed out that the elements 21, 23, 43 and 65 might be considered and treated country- specific basis.

2.4 Because of the specific forestry conditions of the region from which countries in the region are facing, the participants have mainly concentrated on following issues of forestry;

- Financial mechanisms
- International coordination mechanisms
- technology transfer
- deforestation
- forest protection
- desertification and drought
- socio-economic dimensions of forestry such as participation, rural development policy, public access, social forestry, agroforestry etc.

STEP 3

A- Pros and Cons of possible legally binding options

3.1 In this step, working group members tried to find out the potential negative and positive effects of those options on the element which proposed as a new legally binding instrument in step 2. In this regard, participants were asked to discuss the pros and cons of the elements which legally binding option was chosen (Table 3).

3.2 Taking each element, the following criteria were used by the participants in order to review the option(s) chosen and assess the relative pros and cons of each option;

a) Effectiveness of the options to generate on the ground progress,
b) Relative impact of the option on national interests and,
c) Relative effectiveness of the options to address the special needs of developing countries

3.3 New legally binding instruments were suggested for 28 elements and the relative pros and cons were expressed for a better understanding of legally binding options for advancing each element.

3.4 Some participants stressed the close linkage between the cons of the option and the basic functions that can fulfil.

3.5 The findings of the working groups during the Step 3 are as follows;

(i) Majority of the participants considered that the positive impact and the pros of the proposed option have almost the same meaning.

(ii) Some participants consider that the Step 3 was more or less complex and flexible as compared with previous steps.

(iii) Many participants stated that because of the highly political nature and national sovereignty concerns of some specific elements, legally binding instruments at national level precede the international ones (e.g. number 63, 65, 69, 23, 43 etc.). In this connection, national sovereignty, economic, social and political situation of the countries have the potential to reduce the effectiveness of the international legally binding instruments thus, they should be taken into account.

(iv) **A number of participants considered that instead of the 75 elements which are too many be handled, regarding their major context and implementation mechanism, arrangement of some basic categories of the elements would be easier to identify the level of treatments and more suitable options.**

B- Basic functions of possible legally binding options

3.6 Participants were asked how each option fulfils the basic functions that should characterizes future international arrangements and mechanisms on related elements. This was an additional input from the Regional Meeting. The functions were derived from the IFF3 report and were distributed to participants at the group working meetings. Then relevant functions were marked by the participants in the Table 3.

3.7 Many participants think that four functions out of 11, would be fulfilled by the options proposed during the Step 2. They are given in order of importance as (a) *Secure political commitment to sustainable forest management*, , (b*) Elaborate objectives in line with UNCED decision and IPF proposal for action*, (g) *Enhance international cooperation and improve effectiveness, efficiency and coordination of bilateral and multilateral assistance to support the efforts and respond to the needs of developing countries and countries with economies in transition* and (f) *Support and identify needs for international cooperation.*

3.8 Group III has paid special attention to the basic functions and analyzed four elements (63, 65, 69 and 70) in this regard. We found that the group's attention is useful and valuable thus we added in the report below[i].

Group III

Group 3 has carried out Step 3 "Identification of Pros and Cons" work for the following four elements for which legally binding new arrangements were suggested during the preceding Step 2[1].

63. Maintenance of forest law

65. National law enforcement and good governance

69. Compliance with obligations

70. Settlement of conflict resolution

It should be noted that while some of the participants proposed new legally binding arrangements for these elements, a number of other participants opposed legally-binding arrangements and proposed only non-legally binding arrangements for these elements during Step 2.

As a result of the group discussions, in connection with implementation of new legally binding arrangements, there were three different and conflicting suggestions which are provided in the following:

Suggestion 1 : (against a new legally binding arrangement)

The all four elements are important and essential for sustainable forest management purposes but due to their highly political nature and national sovereignty concerns they should on no account be considered under legally-binding arrangements. These elements should be handled under the framework of national actions and measures. On the international scale, the existing non-legally binding arrangements are satisfactory for these purposes.

Suggestion 2 : (in favor of a new legally-binding arrangement)

The existing non-legally binding arrangements are comprehensive and cover all essential aspects of sustainable forest management but their effectiveness is weak since they are not binding. On the contrary, the existing non-legally binding arrangements have significant advantages from effectiveness standpoint but do not cover several essential elements of sustainable forest management and the existing ones are scattered, address indirectly or implicitly to sustainable forestry issues. Their present implementations and achievements have also been limited and far from satisfying sustainable forestry needs and expectations.

The existing legally binding arrangements, that already signed and ratified by majority of the countries, contain several articles of political nature (similar to the four elements mentioned above) related to management and utilization of natural resources, including forests.

Therefore, there is a clear need for a new international legally binding forestry arrangement (i.e. an international forestry convention), comprising all relevant issues scattered implicitly under the existing several different conventions as well as other essential elements of sustainable forest management that have not covered by them. The four articles identified during Step 2 (63, 65, 69 and 70) should also take place under such a new legally binding arrangement. Major challenges in front of a new legally binding international arrangement are development and implementation of adequate and effective mechanisms in relation to :
(i) financial issues; (ii) equity; (iii) prioritization; (iv) international technology transfer.
However, these challenges should and could be overcome.

Suggestion 3 : (in favour of a new legally binding arrangement, if only adequate and equitable support/compensation mechanisms are guaranteed)

In essence, it is beneficial and necessary to have a legally-binding international arrangement (Forestry Convention). It should include all 71 elements discussed here as well as some other important elements that are not covered in the list. This convention should also cover different forestry issues addressed implicitly or inadequately under the existing different international conventions. Naturally, element 63, 65, 69 and 70 should also take place under such convention. However, there are two serious concerns impeding acceptance and support of such an international forestry convention as explained quite rightly by the participants attending this meeting.

a) sovereignty is a very delicate issue that can be threatened in the coming periods by such a binding arrangement, even though sovereignty rights may be guaranteed in writing under the convention. It is specifically valid for the elements with political nature such as element 63, 65, 69 and 70.

b) formulation and signing of such a binding forestry convention will impose some serious obligations to and significant economic, social and cultural costs on the parties. Up to present experience on the other hand shows that it is very difficult to guarantee allocation of adequate financial support resources by the developed countries as well as their appropriate, just and equitable sharing and effective utilization.

Therefore, an international forestry convention should not be supported until these two important issues are solved in a way to fully satisfy the countries.

Some participants believed that, due to large number of elements and limited duration of the meeting they were not able to study and provide their contributions to the issues adequately. Therefore, they need additional study and national consultation on the meeting outcomes and deliberations after their return.

Additional comments and contributions from such follow-up works should be sent to the meeting secretariat as soon as possible and should be considered in drafting of the final report of the meeting.

STEP 4

Evaluation

In order to identify further actions to facilitate the ability of the Costa Rica-Canada Initiative to build international consensus on matters relating to category III of the IFF's programme of work, participants were asked to fill out the questionnaire and leave it with the regional meeting secretariat. From the evaluation of the filled forms, it was found that ;

- Majority of the participants felt that the meeting furthered their understanding of matters related to Category III of the IFF's program of work and, the approach helped to facilitate a participatory discussion.
- While half of the participants indicated that more background documents were needed, the other participants were satisfied with the existing documents on the matters related to building international consensus relating to the global forestry deliberations.
- Many participants pointed out that the regional meeting was very helpful, organization was very well structured and appreciated for enabling participation of NGOs.

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[1] **Group III**

Group 3 has carried out Step 3 "Identification of Pros and Cons" work for the following four elements for which legally binding new arrangements were suggested during the preceding Step 2[1].

63. Maintenance of forest law
65. National law enforcement and good governance
69. Compliance with obligations
70. Settlement of conflict resolution

It should be noted that while some of the participants proposed new legally binding arrangements for these elements, a number of other participants opposed legally-binding arrangements and proposed only non-legally binding arrangements for these elements during Step 2.

Outcomes of the group discussions, in connection with implementation of new legally binding arrangements, were three different and conflicting suggestions which are provided in the following.

Suggestion 1 : (against a new legally binding arrangement)

The all four elements are important and essential for sustainable forest management purposes but due to their highly political nature and national sovereignty concerns they should on no account be considered under legally-binding arrangements. These elements should be handled under the framework of national actions and measures. On the international scale, the existing non-legally binding arrangements are satisfactory for these purposes.

Suggestion 2 : (in favor of a new legally-binding arrangement)

The existing non-legally binding arrangements are comprehensive and cover all essential aspects of sustainable forest management but their effectiveness is weak since they are not binding. On the contrary, the existing non-legally binding arrangements have significant advantages from effectiveness standpoint but do not cover several essential elements of sustainable forest management and the existing ones are scattered, address indirectly or implicitly to sustainable forestry issues. Their up to present implementations and achievements have also been limited and far from satisfying sustainable forestry needs and expectations.

The existing legally binding arrangements, that already signed and ratified by majority of the countries, contain several articles of political nature (similar to the four elements mentioned above) related to management and utilization of natural resources, including forests.

Therefore, there is a clear need for a new international legally binding forestry arrangement (i.e. an international forestry convention), comprising all relevant issues scattered implicitly under the existing several different conventions as well as other essential elements of sustainable forest management that have not covered by them. The four articles identified during Step 2 (63, 65, 69 and 70) should also take place under such a new legally binding arrangement. Major challenges in front of a new legally binding international arrangement are development and implementation of adequate and effective mechanisms in relation to :
(i) financial issues; (*ii*) equity; (*iii*) prioritization; (iv) international technology transfer.
However, these challenges should and could be overcome.

Suggestion 3 : (in favour of a new legally binding arrangement, if only adequate and equitable support/compensation mechanisms are guaranteed)

In essence, to have a legally-binding international arrangement (Forestry Convention) is a good thing and needed. It should include all 71 elements we discuss here as well as some other important elements that are not covered in the list. This convention should also cover different forestry issues addressed implicitly or inadequately under the existing different international conventions. Naturally, element 63, 65, 69 and 70 should also take place under such convention. However, very rightly there are two serious concerns impeding acceptance and support of such an international forestry convention by the participants attending this meeting, as explained in the following.

c) sovereignty is a very delicate issue that can be threatened in the coming periods by such a binding arrangement, even though sovereignty rights may be guaranteed in writing under the convention. It is specifically valid for the elements with political nature such as element 63, 65, 69 and 70.

d) formulation and signing of such a binding forestry convention will impose some serious obligations and significant economic, social and cultural costs on the party countries. Up to present experience on the other hand shows that it is very difficult to guarantee
allocation of adequate financial support resources by the developed countries as well as their appropriate, just and equitable sharing and effective utilization.

Therefore, an international forestry convention should not be supported until these two important issues are solved in a way to fully satisfy the countries. Some participants believed that, due to large number of elements and limited duration of the meeting they were not able to study and provide their contributions on the all meeting issues adequately. Therefore, they need additional study and national consultation on the meeting outcomes and deliberations after their return. Additional comments and contributions from such follow-up works should be sent to the meeting secretariat as soon as possible and should be considered in drafting of the final report of the meeting.

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Regional meeting of the Costa Rica-Canada initiative

West and Central Africa
October 18-22, 1999
Yaoundé, Cameroon

Report

Experts from the following countries participated:

Benin
Burundi
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Gabon
Madagascar
Mali
Tchad
Guinée Equatoriale
Sénégal
Togo
Niger
République Centrafricaine

0. Introduction

The regional meeting of experts from Central and West Africa was held on October 18 to 22, 1999, in Yaoundé, Cameroon, within the framework of the Costa Rica - Canada Initiative, adopted by the countries to contribute the discussions of the Intergovernmental Forum on Forests (IFF).

Like the previous meetings held in other parts of the world, the Yaoundé meeting focussed on Category III of the program of work of the IFF, i.e., international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests.

The Yaoundé meeting was attended by 70 experts from 14 countries, representing governments, organizations and private sector bodies interested in forest related problems (see list in the annex). This is consistent with the Initiative's objective seeks to provide neutral, transparent, participatory and representative fora to facilitate technical discussion on the possible elements of a legally or non-legally binding international instrument or mechanism.

1. Results of the meeting

Given the complexity of the mechanisms and procedures of the United Nations system and that of the legal issues on which the experts' discussions would be focussed, and given the desire to hold meaningful discussions on forest problems considered in the context of their regional diversity, the Organizing Committee decided to:

- retain the services of four group communications specialists and four rapporteurs to work with the experts in the workshops;
- make documentation on conventions and other existing legal instruments available to the participants in advance;
- have the specialists and resource persons give their presentations prior to the experts' discussions.

The opening ceremony was presided over by the Cameroon Minister of Environment and Forests (MINEF), the Honourable Sylvestre Naah Ondoua. It comprised four addresses:

- the introductory address by Jean Williams Sollo, Chair of the Organizing Committee;
- the address by Tiina Vahanen of the IFF Secretariat, on the intergovernmental discussions on forests;
- the address by Jacques Carette, Co-Chair of the Costa Rica - Canada Initiative, on the issues of the Initiative;
- the opening address by the Minister of Environment and Forests.

In his introductory address, the Chair of the Organizing Committee invited the participants to expand on the list of 72 elements already selected and adopted at the experts meeting in San José, Costa Rica, taking regional, sub-regional and even local characteristics into account.

In her address, Ms. Vahanen indicated that considerable progress had been made in the area of forests at the international level through the work of the Intergovernmental Panel on Forests (IPF) and the Intergovernmental Forum on Forests (IFF). She reported, however, that there continues to be problems in the areas of financial resources, technology transfer, sustainable forest management, environment and trade. The challenge is to reach a consensus on the arrangements and mechanisms for the management, conservation, and sustainable development of all types of forests beyond the year 2000.

Mr. Carette reported that the Initiative's work is designed to enable the participants to share their experiences, develop a better appreciation of the elements already adopted and thus facilitate decision-making at the forum.

He reminded the participants that these meetings were not meant to provide a forum for those wishing to impose their views and that a consensus was not necessarily expected at this stage of the discussions.

After extending a warm welcome to the participants, the Minister of the Environment and Forests of Cameroon stressed that the Costa Rica - Canada Initiative addressed a major concern of the heads of state of the Central Africa sub-region, as expressed at the summit held in Yaoundé in March 1999 at the President of Cameroon's initiative. The Minister stated that Cameroon wanted the following amendments to be made to the list of elements identified at San José:

- implementation of a compensation regime for countries that make a positive contribution to the conservation of forest resources;
- implementation of a tax paid by polluting industries to be used for forest resource development.

Following the opening session, five presentations were made. They are summarized below.

- *THE INTERNATIONAL STANDARD, FINALITY, TYPOLOGY AND PRODUCTION PROCESSES by* Laurent Zang

The objective of this presentation was to clarify a number of fundamental concepts and terms used in international conventions. The prerequisites presented enabled the experts to more accurately measure the scope of the possible options for a potential legally or non-legally binding instrument.

- INTRODUCTION TO INTERGOVERNMENTAL DISCUSSIONS ON FOREST POLICY by Ms. Vahanen

Ms. Vahanen presented an overview of discussions on international forest policy. She described the evolution of the dialogue at the international level and identified future challenges. In her view, the main concerns deal with:

- The principles that frame discussions on international forest policy;
- The illustration of several priority sectors which require further attention at the world level;
- Concern about knowing how to set national forest priorities.

Ms. Vahanen described the general evolution of the discussions as being positive, particularly in respect of issues relating to sustainable forest management, such as national forest programs and criteria and indicators of sustainable forest management.

She closed by presenting the main challenges that lay ahead, based on issues on which world consensus has not yet been reached and provided a few thoughts on the elements, functions and options for the future international arrangements and mechanisms (Category III of IFF).

- FOREST MANAGEMENT STRATEGIES IN THE CONGO BASIN by Samuel Makon Wehiong

Mr. Makon Wehiong focussed on points regarding the presentation of forests, the dangers threatening them, and the conditions for development of Congo Basin countries through the use of their forest resources.

With respect to the development conditions of Congo Basin countries, Mr. Makon Wehiong advocated the establishment and implementation of a strategy that reconciles development requirements with conservation imperatives and the need to integrate the forest sector into rural development.

- *PRESENTATION OF THE UNITED NATIONS COMMISSION ON SUSTAINABLE DEVELOPMENT AND THE INTERGOVERNMENTAL FORUM ON FORESTS by* Tchana Mesack.

This presentation dealt essentially with the description and operation of the Intergovernmental Forum on Forests (IFF) and the Commission on *Sustainable Development* (CSD). Mr. Mesack also provided his thoughts on his own experience.

- *CURRENT INTERNATIONAL FOREST STANDARDS* by Laurent Zang.

Professor Zang gave a rundown of the main international legal instruments relating to forests. He then presented a critical analysis of these instruments and indicated possible options for the future instrument.

The statement of the African Timber Organization (ATO) was then read by Essame Félix, Technical Director, ATO.

The texts of the presentations are provided in the annexes of this report.

Augustin Claude Tang Essomba, Facilitator, then presented the methodology for implementing the work and informed the participants of the anticipated results:

- to produce the list of elements from the regional meeting of Yaoundé (Step 1);
- to review each element and verify whether it is the subject of a legally or non-legally binding instrument or has not been the subject of any international legal instruments (Step 2);
- to identify possible options (legally or non legally binding) and provide the pros and cons of these options and the possibility of reaching a consensus at future negotiations (Step 3).

In addition to the list of elements submitted by the Initiative's Secretariat, the Organizing Committee provided the experts with the proposed elements they received from Benin, Togo, Guinea, Mali, and Cameroon, as well as the report of the meeting held by CEFDHAC in Libreville, Gabon.

The participants were reminded that they were intervening as experts and not as official representatives of a government, organization or company.

Lively, constructive and transparent discussions were held in panels (four in total) and in a plenary session. The results were as follows:

1.1 STEP 1: LIST OF ELEMENTS

The list of elements adopted at the Yaoundé meeting consists of eight new elements and 17 amended elements. All elements take account of regional characteristics.

Given the problems relating to fighting poverty in the countries of the sub-region, transhumance and the existence of a homogeneous forested area covering several countries (e.g., Congo Basin forest) that must be subject to harmonized management, the need to implement a compensation regime for forest countries and the need to establish the "polluter pays" principle, the experts proposed new elements. The proposal to create a new structure can be explained by the critical need for follow-up of the application of the instrument that is adopted.

The list is provided below:

1.1.1 ELEMENTS OF THE YAOUNDE REGIONAL MEETING

1.1.1.1 NEW ELEMENTS

1) Definition of all concepts and principles
   - Forest
   - Sustainable management
   - Forest degradation

2) Factors and indicators of forest degradation
   - Identify the measurable variables applicable to all countries.

3) Fighting poverty, given the fact that riparian populations may be called upon to give up forest resources.
   - Provide for mechanisms to allow these populations to diversify into secondary type activities.

4) Creation of transboundary protected areas and harmonization of mechanisms for their management

5) Promote urban and peri-urban forest development for environmental, aesthetic and cultural reasons.

6) Implementation of a compensation regime for countries that make a positive contribution to the conservation and restoration of natural resources.

7) Creation of an organization to oversee the management of all types of forests in the world.

8) Introduction of a compensation tax on polluting industries to be used for the development of forest resources.

1.1.1.2 AMENDED ELEMENTS

Element 5

I) Deforestation/forest degradation (including underlying causes):

Take account of the reduction in the quality and quantity of forest cover

II) Afforestation / reforestation: As alternatives to recover, reduce and mitigate losses of forest coverage

II) Exotic species: non-indigenous, how to deal with them

III) Desertification: Critical losses of forest coverage affecting also hydrological, climatic and soil stabilization functions provided by forests

IV) Plantations: Role in reducing pressure on natural forests and in recovering forest cover; exotic and indigenous species use

Element 7: Natural disasters and human intervention (cyclones, volcanoes, refugees, fire, insects, etc...) Different natural and human activities which could affect forests.

Element 10

Silviculture, agriculture and animal husbandry in order to take account of forest- variables in agricultural and grazing activities as well as problems of transborder transhumance.

Element 20: Certification / ecolabelling / environmental labelling

Market pressure on downstream users of forest products and upstream SFM practices

Element 28: Technology transfer and engineering transfer

Much of the technological and engineering capability in the world today remains unrecognized, underutilized and inadequately shared. The dissemination of those technological innovations and knowledge is critical. The transfer of environmentally sound technology, under favourable conditions, is an important part of strategies to enable countries to sustainably develop their forests.

Element 32: Biomass / renewable energy

Forests are a significant renewable source of energy in many regions of the world. The logging of forests for fuelwood can place great pressure on forests in some regions. Sustainable forest management, reforestation and afforestation have the potential to satisfy the demands for fuelwood. There is a need to promote the research, development, transfer and use of technologies and practices for environmentally sound energy systems and economically viable alternative energy systems.

Element 37: Primary forest conversion

The conversion of primary forests in order to use the lands for other purposes must be done within the framework of national land use planning, with priority on maintaining all types of forests and their biological resources at the national level.

Element 39: Maintaining a full range of forest values

For better recognition of forest resource values, it is important to implement the concept of total economic value (direct use, indirect and option)

Element 40: Global functions

Recognition of global impact of functions accomplished by forests (economic, ecological or environmental services) and general functions to be accomplished by any international arrangement (legally or non-legally binding) to promote conservation, protection and sustainable management of all types of forests:

. Secure political commitment to sustainable forest management;

. Elaborate objectives in line with UNCED decisions and IPF proposals for action;

. Develop, guide, promote and formulate policy action on forest-related issues;

. Develop and set priorities for action, address emerging issues;

. Coordinate forest-related work with relevant organizations and instruments;

. Support and identify needs for international cooperation.

Element 41: Accuracy of trade and forest statistics

Means for ensuring accuracy of international trade and forest statistics for policy-making purposes, while ensuring the harmonization of the collection standards.

Element 42: Coordination of international action on forests/cooperation

There is general agreement that the approach to addressing international forest policy issues is currently fragmented, preventing meaningful action from being taken. There is a need for more effective governance of international institutions and instruments, improved mechanisms for coordinating and monitoring forest-related activities, advanced facilitation of exchange mechanisms at the national and regional level and improved participation of major groups.

Reform of institutions responsible for forest policy/permanent forum on forests: There is a need to develop and strengthen national institutions responsible for forest management. It is also necessary to clarify the mandates, to define capacities, to address overlaps, gaps and areas that need enhancement of the relevant international institutions and organizations related to forest issues through their respective governing bodies.

Element 45: Capacity building

There is a need to strengthen national, regional and international capabilities in all aspects of the forest sector. Training should be developed on the basis of a participatory approach involving all players with a role in the management of forest resources and national and regional capacities should be strengthened with the support of funders.

Element 46: Education and training

There is a need to strengthen education and training in a range of disciplines important for sustainable forest management, particularly in the social and biological sciences, forest economy and environmental education outside the traditional realm of forest management. There is also need to establish, develop and sustain an effective system of forest extension and public education to ensure better awareness, appreciation and management of forests. There is also a need to promote centres of excellence

Element 47: Public access to information/sharing information

Access to and exchange of all types of forest-related information are inadequate and there is a need for strengthening and enhancing information-sharing capabilities when dealing with all forest issues through the creation of reliable systems accessible to the public through the implementation of sub-regional structures. The provision of information on forests is essential for public understanding and informed decision-making.

Element 48: Financial mechanisms/forest investment

Financial resources should be provided to developing countries to enable them to sustainably manage their forests and to implement reforestation programs, particularly in countries and areas with little forest cover. There is a need to explore innovative ways to use existing financial mechanisms more effectively or seek new means of funding administered through a world fund or trust fund for forest management and the management of protected areas.

Element 50: National reporting

On the basis of recognized criteria, there is a need to report on progress towards sustainable forest management at the national level and to assess progress in implementation of the IPF's proposals for action in terms of existing and new legislation, policies and programs. There is a need to build and strengthen institutional, technical and human capacity at the national to enable periodic monitoring of the state of forests and report on policy effectiveness.

Elements 52: Gender

- Women's role in the forest sector should be enhanced and there is a need for greater recognition of their importance and interest in rural areas of developing countries. The full participation of women in all national and regional programs dealing with conservation and sustainable development must be promoted. There is a need to recognize and foster the traditional methods and the knowledge of women relevant to the conservation of forest resources and to ensure the opportunity for their participation in the economic and commercial benefits derived from the use of such traditional methods and knowledge.
- There is a need to ensure they have access to land in order to plant and participate in the economic benefits.

Element 53: Rights of indigenous people and local communities

National, regional and international forest policies should recognize and duly support the identity, culture and rights of indigenous people, their communities and other communities and forest dwellers. There is a need to better address the concerns of indigenous peoples, notably those related to the use of traditional forest-related knowledge, intellectual property, tenure rights and the equitable sharing of the benefits arising from the use of forests.

Note:. The amended passages appear in boldface.

1.2 STEPS 2 AND 3: ANALYSIS OF THE ELEMENTS

In order to enable a more effective analysis of the elements, Steps 2 and 3 were analyzed concurrently. The results are as follows:

- Fifty-nine of the elements are already covered by existing instruments or mechanisms, and twenty-one are not. Even in cases where instruments exist, they are not always considered adequate.
- Forty-two options are identified for a strengthening of existing instruments, twenty-six for the creation of legally-binding instruments and twenty-four for the creation of non-legally binding instruments.

With respect to the options, there is a strong trend in favour of the creation (50 options) and strengthening (42 options) of international legal instruments or mechanisms.

As for the potential for consensus, there is a high probability of achieving a strong consensus.

The results of the discussions are presented in the table in Annex 2.

In conjunction with the meeting, two excursions were organized in and around Yaoundé, including Mbalmayo and Ottotomo, to give the experts an opportunity to visit several forest or industrial sites in Cameroon. Finally, as proposed by the NGO authorities, the Organizing Committee allowed a general meeting to develop an international network of communication, information and action for sustainable management of all types of forests (RIFOR).

IDENTIFICATION OF OPTIONS, PROS AND CONS /STEPS II AND III

SUMMARY TABLE OF THE CONCLUSIONS OF THE REGIONAL MEETING IN YAOUNDE

ELEMENT	COVERED YES (Y) or NO (N)	COVERED IN EXISTING INSTRUMENT		IS IT WELL COVERED?		REASONS/ COMMENTS IF NOT WELL COVERED	CHOICE OF OPTIONS			PROS	CONS	BASIC FUNCTIONS	POTENTIAL OF REACHING A CONSENSUS
		LEGALLY BINDING LB	NON LEGALLY BINDING NLB	YES	NO		STRENGTHEN EXISTING AGREEMENT	NEW LB	NEW NLB				
1	N							X		1		A and K	High
2	O	X			X	Limited to deforestation, limited in space and limited in respect of forest type	X			1		A, F, E, H	Moderate
3	O		X		X	Limited to deforestation	X			3		G and D	High
4	Y	X			X	Limited to Africa	X			2		C and J	High

5 a	Y	X			X	Many aspects not covered, i.e., transhumance, fire, refugees, etc.	X			1 and 2		A, F, G, J, H	High
6	Y	X			X	Excludes the sociocultural dimension. Inequitable sharing of benefits.	X			2 and 3		A and C	High
7 a	Y	X			X	Man-made catastrophes not adequately taken into account	X			1 and 3		J, A, D, F	High
8	Y	X			X	Lack of coordination	X			1		A, J	Moderate
9	N							X		1 and 3		A, D, C, F	Moderate
10 a	Y	X			X	Limited in space	X			3 and 2		A, D, C	High
11	N								X				
12	Y	X				Lack of harmonization	X			1		A, B, G, J	Low
13	Y	X		X									
14	Y	X			X	Limited to certain areas	X			1 and 2		C, G, I, J	Moderate

15	Y	X			X	- Limited in space - Factor of water not taken into account	X			1		A, E, D, F, H, I	High
16	Y	X		X									
17	Y	X			X	- Environmental aspects not taken into account	X			1, 2, 3		A, D, F, G, I	Low
18	Y	X			X	- All forest products are not taken into account	X			2 and 3		B, G	Moderate
19	Y	X			X	Lack of political will and diverging interests between States. All technical standards are not well defined. (shortcomings/gaps)	X			1, 2, 3		a, e, g	High due to the importance of the subject and the views of producers Low to short term in the viewpoint of the consumer countries Moderate
20	Y		NLB		X	Criteria not well defined. Different levels of understanding of existing criteria. FSC only covers a few types of forest.			X	1, 2, 3		A, c, g	High

21	N							X		1, 3 2 for PVD		A, g, i	Globalization: Low potential because economic interest in fire very high. High potential since the process is already under way. Green accountabi-lity since already received consensus from ++ countries
22	Y		X	X		Legal void. No influence or constraint on economic policy of the States	X			1,2,3		A, c, d	High
23	Y				X	Not all types of forests and forest products are taken into account. Lack of universal, objective criteria.	X				2	E, d, j	Moderate due to economic cost to companies. High due to convergence of interests of most players.

24	Y		X		X	Economic considerations take precedence over social considerations. Different understanding of the health and safety standard flowing from the disparity in criteria				2		E, d, j	Moderate due to the economic cost to companies. High due to convergence of interests of most players.
25	Y		X			The enhancement of the products of all types of forests is not yet a concern for all countries. Reluctance to change techniques and technology due to economic and social costs. Engineering deficiency.	X			1, 2, 3		A, k, j, e	High
26	Y		X			Legal void. Existing texts contain shortcomings. Standards and techniques not universally accepted.	X			1 ,2 , 3		C, h, k	High
27	Y		X			Legal void. Existing texts contain shortcomings. Standards and techniques not universally accepted.	X			1 ,2 , 3		C, h, k	High

28	Y		X			Aspect of engineering transfer not addressed. Problems with patents		X	X with incentive measures	NLB.3 New NLB: 2, 3		F, g, F; g	Low to moderate High
29	Y		X			All types of pollution and polluting agents are not taken into account		X		2, 3		D, f, g	Low due to nature of the instrument. Moderate for awareness of the problem
30	Y		X			All types of pollution and polluting agents are not taken into account		X		2, 3			Low due to the nature of the instrument. Moderate for awareness of the problem
31	Y		X			Given current state of knowledge, it is impossible to identify all types of products and services.		X because bio-diversity is fully under-stood Access to resources	X due to the private nature of the actions to improve the state of know-ledge	NLB: 3		B, d, e, g,	High
32	Y		X			Insufficient R&D			X	3, 1		H, a	High

33	Y		X			Sustainable forest development criteria poorly defined. No funding for long-term investments.	X	X		NLB: 1, 2		A, b, c	High
34	Y		X			Not legally recognized. Shortcomings of texts on equity		X		2		D, e	High
35	Y		X			Aspect of "polluter pays" tax not addressed. Cultural traditions differ from country to country.		X		2 ,3		A, f, g	High
36	Y		X			Unawareness of texts and failure to apply texts	X			2		A, b	High
37	Y		X				X			1		J, a d, b, g, i	High
38	Y		X		X	Texts respecting application unclear	X			1, 2		A, b,	High
39	Y		X	X			X			2, 3, 1		B, a, f	Very high
40	Y		X	X			X			2, 3, 1		A, b, f, e	Very high
41	Y		X		X	Set capacity standards	X			2, 3		A, c, k, h	High
42	Y		X		X	Does not cover all regions			X	1, 2		G, f	Low

43	Y		X		X	Inadequate resources for implementation	X			1, 2		A, g	Low
44	Y		X	X		Implementation difficult Need for political will	X			1, 2, 3		E, b, d	High
45	Y		X	X		Requires commitment of funding States	X			1, 2		C	High
46	Y		X	X		Inadequate planning of training	X			1, 2, 3		D	High
47	Y		X	X		Shortcoming of the information network	X			1, 2, 3		C, G	Moderate
48	Y		X		X	Low level of effectiveness and impact	X	X		1, 2, 3		G, A	Low
49	Y			X		Funders' strategies incompatible Lack of coordination between the State and funders			X	1, 2, 3		G	Very low
50	Y		X	X			X			2, 3		C, H, K	High
51	Y		X	X		Lack of bottom up approach			X	1, 3		J	High
52	Y		X		X	Low level of involvement by women			X	1, 2, 3		J, D	High

53	Y		X		X	Low level of involvement by indigenous people			X	1, 2, 3		J, D	Very high
54	Y		X	X			X			1, 2, 3		J, D	High
55	Y		X									F, C, A, B	High
56	Y	X			X	Sectoral	X	X		1, 2		A, D, F, I	High
57	N								X			A…K	High
58	Y		X		X	See text	X		X			A…K	High
59	Y		X		X							A…K	High
60	N								X			B, C, D, K, E	High
61	Y		X		X	Specific to certain types of forest	X		X			A, E, C, J, L	Moderate
62	N								X			A, E, H, I	High
63	N							X		3		A, B, D, I, J, G	High
64	N								X			C, D, F	
65	N							X	X	3		A…K	Moderate
66	N								X			I, J, A, H, C, E	High
67	N								X	2		I, A	High
68	Y		X		X							A…K	High
69	N							X		3		F, I, J	High
70	N							X		2		A, B, F, G, I	Moderate

71	N							X		1, 3		A, G	Moderate
72	N							X		1, 2, 3		D, J, C, K	High
73													
1 – New: Definition of all concepts	N				X	Absence of universal definition				3		K	High
2 – New: Factors and indicators of forest degradation	Y		X		X	Limited to temperate and boreal forests				3		A, H	Moderate
3 – New: Fighting poverty	N				X	Political commitment ineffectual. Inequitable distribution of wealth	X			2, 3		A, F, G	High
4 – New: Creation of partially covered protected areas							X	X	LB: 1 NLB: 1			A, G A, G	Moderate Moderate
5 – New: Urban and peri-urban forestry	N								X	1, 2, 3		A, G	Moderate

6 – New: Compensa-tion regime	N							X		1, 2, 3		A, G	Moderate
7 – New: Management organization for all types of forests	N								X	1, 3		G, J, E, F, H	Moderate LB High NLB
8	N							X		2, 3		A, G	Moderate

Note

1 - Elements: the abbreviation (a) refers to amended elements

2 – Pros and cons: codes 1, 2, 3 refer to the criteria in favour of which its options are recommended

3 – Basic functions: Codes A…K refer to the basic functions of each element.

2. CONCLUSION

The findings of the experts are essentially the result of the combined efforts of each participant. These very productive results would, we hope, assist the IFF in implementing international arrangements and mechanisms for all types of forest. The results of the Yaoundé meeting can be summarized as follows:

1° - An overview (prerequisite) of the individual roles of the participants, and clarification of the anticipated results of the organized discussions through presentations given by talented communicators that were of much interest to the participants;

2° - Simultaneous delivery of several workshops or smaller focus groups to maximize the anticipated results of each workshop, facilitating the exchange of views among the participants;

3° - The rewording of 18 of the 72 elements in the list prepared at the experts meeting in Costa Rica. In no case are the changes made to the existing elements meant to call into question the elements. Rather, they reflect the sub-region's desire to see the integration of all its concerns into the elements;

4° - The proposal of eight new elements by the experts at the regional meeting in Yaoundé. The new elements address ongoing concerns specific to our sub-region, such as fighting poverty, which enables riparian populations to no longer be requesters and to therefore reduce their exploitation of forested areas. Programs to fight poverty should allow for the transfer of these populations from the primary to the tertiary sector, thereby reducing pressures on the forest. The introduction of a compensation regime for our countries that contribute to the conservation and restoration of natural resources in conjunction with the introduction of a compensation tax paid by polluting industries to be used to develop forest resources.

3. GENERAL COMMENTS ON THE WORK OF THE REGIONAL MEETING IN YAOUNDE

3.1- STEP 1: ADOPTION OF THE ELEMENTS

After reading the list of elements received from the secretariat of the Initiative and their unofficial definitions, most participants at the regional meeting in Yaoundé were of the view that:

a) the identification and description of most (54) of the proposed elements are complete and should be left as is;

b) the identification or description of a good number of elements (18) are either incomplete or do not take account of all regional characteristics. The participants therefore felt it advisable to amend these elements to make them more complete or more effectively reflect characteristics including:

- *impact of refugees on forest conservation (7);*
- *problems of cross-border transhumance (10);*
- *concept of "economically viable alternative energy systems" (32);*
- *accuracy of forest statistics for policy-making purposes (41);*
- *search for new financial mechanisms for the implementation of national reforestation programs (48), particularly in countries with little forest cover;*
- *regional and international recognition of the rights of indigenous people and local communities (53);*
- *promotion of women's access to land (52).*

c) The list of elements received from the Secretariat was incomplete and a number of general or regional forest issues were omitted.

They adopted eight new elements to complete the list. The adoption of the new elements was done on the basis of consensus except for the element respecting the creation of transboundary protected areas. Although most participants recognized the advisability of this element, some were of the view that it would impossible to implement and that the only possibility is the development of mechanisms to prevent cross-border conflicts, thereby bringing this issue to element 69 of the initial list.

3.2- STEPS 2 and 3

The analysis of the summary table of conclusions of the regional meeting in Yaoundé underscores the differences of opinion with respect to the choice of options for elements 28 and 31.

2.1 Element 28: Technology and engineering transfer

Although the experts agree that this element is not adequately covered by existing legal instruments, they differ widely on the choice of options.

Some of the participants favour the option of a new legally binding instrument with potential to achieve low and medium consensus.

Others prefer considering a new non-legally binding instrument, accompanied by incentive measures promoting its application. The proponents of this option feel it would have more potential for achieving a high level of consensus.

2.2 Element 31: Non-timber products and services

Some participants believe that the option that should be considered for a complete treatment of this element would be a new non-legally binding instrument. They feel it would be impossible to enforce a legally binding instrument against the backdrop of the current state of knowledge, whereby the level of knowledge of such products and services is considered inadequate and the measures designed to improve this knowledge come from the private sector.

Others believe that a new legally binding instrument should be considered. They believe that knowledge on non-timber products and services is complete and that it is only the lack of resources that would compromise their sustainable management.

4. SUMMARY OF THE EVALUATION EXERCISE

At the end of the regional meeting in Yaoundé on the Costa Rica – Canada Initiative, evaluation forms were distributed to the participating experts to evaluate the meeting, as provided for in Annex B of the Initiative's method.

Forty of the more than 75 experts who attended the meeting returned completed evaluation forms to the Secretariat of the Yaoundé meeting organizing committee.

The results of the analysis of the forms are provided below. They are divided into four points corresponding to the four points in the questionnaire.

4.1- Contribution of the meeting to a better understanding of issues relating to Category III of the program of work of the IFF

Almost all of the experts who took part in the regional meeting in Yaoundé believe that the meeting gave them a better understanding of the issues concerning Category III of the program of work of the IFF.

4.2- Ability of the Initiative's approach to facilitate open, participatory discussions

Close to two-thirds of the participants feel that the approach adopted promotes open, participatory discussions, while one third feels it does not. The latter feel the approach is controlling and channels the discussions towards specific answers.

4.3- Adequacy of the documentation to help reach an international consensus

Close to one half of the experts found the documentation to be satisfactory. Some deplored the fact that a number of participants had not taken the time to read the documentation received.

A large number of participants found the documentation to be incomplete, such as the part on existing legal instruments. They felt that all existing documents in this field should have been provided to them in their entirety.

A number of the participants found the use of the documentation on legal instruments too complicated and felt that it would have been useful to have had legal specialists provide a summary beforehand to facilitate the experts' work.

4.4- Suggestions and comments

The following comments were made:

- one participant deplored the lack of simultaneous translation into Spanish;
- a few participants (3) deplored the lack of involvement of the communities at the heart of the process of the Costa Rica – Canada Initiative in order to make it more participatory;
- a few participants (5) would like to see the creation of a monitoring network for the process of the Initiative after the regional meeting of Yaoundé;
- a large number of experts (6) expressed a desire that the individuals called upon to take part in future steps in the Initiative process be selected from among the participants at Yaoundé to ensure continuity;
- one participant commended the organizing committee for its excellent job planning the Yaoundé meeting, whereas another felt it should be revisited, without indicating how so;
- several participants found the meeting schedule to be very constraining and prevented them from visiting the area. This was exacerbated by the distance from the hotel (location of the meeting) and to the downtown core.

List of participants

N°	PAYS	NOMS & PRENOMS	QUALITE ET ADRESSE COMPLETE
O1	BENIN	DJODJOUWIN L. Laurent	ONG AFROFONB
02	BENIN	AKOUEGNON Eugène	OPERATRICE ECONOMIQUE
03	BENIN	AVONOMADEGBE Benoît	DIR. FORETS ET RESSOURCES NAT.
04	BURUNDI	NDABIRORERE Salvador	DIR. GNRLE AMENAG. TER. ET ENV.
05	BURUNDI	NDAWOYO Eugénie	MINISTERE ENVIRONNEMENT
06	BURUNDI	KARIKIRUBU Godlieve	VICE-PRESIDENT AFEB
07	CAMEROUN	BENGONO Hyacinte	DIRECTION DES FORETS
08	CAMEROUN	WANDJA Zacharie	PDT ASS. NATIONALE JEUNES FOR.
09	CAMEROUN	MINDJA Jeanne-Marie	GRAMUE/YAOUNDE
10	GABON	MBOULOU Jean	DG EAUX & F.
11	GABON	OBAME ONDO	WWF BP 9144 LIBREVILLE
12	GABON	BORDIER Nicolas	ING. AMENAG. SINFOGA
13	MADAGASCAR	RAKONTONDRAINIBE Jean	ING. SG/COTE EST
14	MADAGASCAR	RABOYOVAVY R. Hilarie	DG EAUX ET FORETS
15	MADAGASCAR	RAVELOMANANTSO Zezé	ING. AGRONOME A.R.G.A.P. près du Lycée Français Ambatobe
16	MALI	Souleymane CISSE	CT MIN. ENVIRONNEMENT
17	MALI	Seydou TRAORE	DIR. BEAGGES-SARL
18	MALI	Gaoussou KONATE	CHARGE DE LA REGL. ET NORMES
19	TCHAD	Ahmat AGALA	DIR. FORETS ET PROT. ENV.
20	TCHAD	Ahmed DEYEH Christian	REPRESENTANT SECTEUR PRIVE
21	TCHAD	KOUMA Christine	C/SCE ALPHABETISATION
22	GUINEE EQUAT.	ZANG OWONO Carlotta	ONG
23	GUINEE EQUAT.	ENEME Fortunato	S/C N° 36 0196 MALABO
24	SENEGAL	DIALLO MALICK	DIR. EAUX ET FORETS
25	SENEGAL	CISSE Madeleine	UMBRELLA SUPPORT UNIT (USU)
26	TOGO	EDOH KOKOU ADJEWODA	CHARGE MISSION MEPF/CAS

27	TOGO	ATSU DEJIGBA KOMLA	DIR. EXEC. ONG AVOCH BP 23
28	TOGO	OURU DJERI ESSOWE	DIRECTEUR DES PRODUCTIONS FORESTIERES B.P. 393 LOME
29	NIGER	AMADOU HASSAME	SG ONG AP/DB - FANSA
30	NIGER	HAMAN ABDOU	COORD/PLATE JEUNE
31	NIGER	SOULEY ABOUBACAR	DIRECTEUR ADJT ENVIRONNEMENT
32	CANADA	CARETTE Jacques	CO-PRESIDENT ICRC
33	FIF	VAHANEN Tina	UN SECRETARIAT BIDG NEW YORK
34	UICN/DJA/CAM.	Diallo MOUSSA	INGENIEUR DES EAUX ET FORETS
35	UICN/DJA/CAM.	MOUNCHAROU Georges	DIRECTEUR NATIONAL UICN/DJA
36	JAPON /OIBT	ZE MEKA Emmanuel	PROJECT MANAGER
37	GABON/OAB	ESSAME Félix	DIRECTEUR TECHNIQUE OAB
38	PROJET CEFDHAC	MAKON WEHIONG	COORDONNATEUR P.APPUI CEFDHAC
39	CAMEROUN (CAM)	TEJIONA Armand	CT. DE ANJEFTBC
40		KEMADJIO Dominique	ACAFIA
41		KALATE Manfred	ONG PROJET CIDOM
42		ASSENE NKOU	SYNDICAT DES FORESTIERS
43		FIMBA Ernest	DIRECTION DES FORETS/MINEF
44		MARGUERITE TCHIENDJI	ACAFIA B.P. 3368 YAOUNDE
45		MVOGO Athanase	DIRECTEUR BEDEA (ONG)
46		NGUIMBOUG Mathieu Eric	ASSOCIATION JEUNES FORESTIERS
47		ZEH – NLO Martin	SDA/PNUD
48		NHOGA	UICN
49		EBAMANE NKOUMBA Samuel	DIRECTEUR ENEF
50		GARTLAN S.	WWF B.P. 6776 YAOUNDE
51		TCHOULACK Albertine	ONG CAFER B.P. 13 688 YAOUNDE

52		OKOTIKO Catherine	SE/TCGBC/YAOUNDE
53		Pieter SCHIMISD	PTC TROPENBOS B.P. 219 KRIBI
54		MVE EBANG Rostand	CHAMBRE D'AGRICULTURE
55		SOFACK Simon	CAWE UGICAEM EMAM ORG.
56		MOUTAPAM OUM	CDFESA/ONG TEL. 22.45.75
57		BEKOUA RICHARD	RESPONSABLE ONG
58		SOLLO DENISE	OBSERVATEUR
59		LEFANG PAUL	INGENIEUR/ONADEF
60		NGANJE MARTIN	MINEF
61		MVE EBANG ROSTAND	REPRESENTANT CHAGRI
62		GHANGNO IBRAHIM	JOURNALISTE
63		CUSSON YVAN	CONSEILLER DF/PGDFC
64		FAM ELOM RUBEN	JURISTE/CABINET JUREX
65		NJIB NTEP DIEUDONNE	ONADEF
66		PONTY MICHEL DEGUY	CHEF D'ENTREPRISE
67		SIMO HUBERT	ONADEF
68		FOCHIVE EMMANUEL	SG GROUPEMENT FILIERE BOIS/CAM.
69	RCA	YAMINDOU JEAN	COORDONNATEUR WWF/BANGUI
70	RCA	DIMANCHE LUC	DIRECTEUR DES FORETS/BANGUI
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75	GABON	MADINGOU ANDRE J.	M.E & FORETS BP 9293 LIBREVILLE
76	GABON	BOUSSENGUE ATHANASE	DG EAUX & FORETS BP 2275 LBVILLE

77	SENEGAL	NDIONE PAPE DETHIE	ANIMATEUR NATIONAL FTPP
78	CAMEROUN	KEDE OTODO	DIRECTEUR DES ETUDES/ONADEF
79		BATOUM THEMOTIO	DIRECTEUR PROJETS CO-FINANCES
80		FONKOUA CLAUDE	CHARGE D'ETUDES/ONADEF
81		MENANG EVOUNA SERGE	ATTACHE DE DIRECTION/ONADEF
82		ZOURMBA JUOULLIER	CHEF D'AGENCE GAROUA/ONADEF
83		Mme ONANA MARIE H.	COORDONNATEUR ADJT PROJ. SIKOP
84		Mme YANA SUZANNE	CHEF DE SERVICE COURRIER/ONADEF
85		Mme MACHIA GRACE	SECRETARIATDIRECTION GENERALE
86		Mme BODOU ROSE	CHEF SCE ADJT COURRIER/ONADEF
87		Mlle EMBAGNE M. M.	SECRETARIAT DIRECTION GENERALE
88		Mme DJOFANG JUSTINE	DIRECTION ETUDES
89		Mme ATANGANA NICOLE	SECRETAIRE DAF/ONADEF
90		Mlle EKANG ANGELA	DIRECTION PROJETS CO-FINANCES
91		Mme EVA AGNES LYDIE	PROJET SIKOP
92		OWONO EVOUNA	PLANTON/ONADEF
93		YONGBI MARTIN	PLANTON/ONADEF
94		BOT PIERRE	CHAUFFEUR/ONADEF
95		PUWAKE MARTIN	CHAUFFEUR/ONADEF
96		FONKOUA RUDOLPH	CHAUFFEUR/ONADEF
97		OWONO ABESSOLO	CHAUFFEUR/ONADEF
98		OWONO MESSANGA	CHAUFFEUR/ONADEF
99		PANCHA ISSAH	CHAUFFEUR/ONADEF
100		EKANI EDWIGE	CHAUFFEUR/ONADEF
101		MAPOUT JOSEPH	CHAUFFEUR/ONADEF

102		ELOUNDOU RAPHAEL	CHEF SCE ADJT SMAG/ONADEF
103		ATANGANA DOMINIQUE	SERVICE FINANCIER
104		OWONO GABRIEL	SERVICE DU MATERIEL ET AFF. GNRLES
105		MBOCK SIMON	SERVICE DU COURRIER
106		NJIKI ZACHARIE	DIRECTION DES ETUDES
107		MANGON SOLANGE	SERVICE DU MATERIEL ET AFF. GNRLES
108		Mme FOGOUM JACQUEL.	DIRECTION DES ETUDES
109		Mme MESSENDE JOCELYNE	DIRECTION DES ETUDES

Regional meeting of the Costa Rica-Canada initiative

Amazon Countries
20-23 October, 1999
Quito, Ecuador

Report

Experts from the following countries participated:

Bolivia
Brasil
Colombia
Ecuador
Peru
Suriname
Venezuela

I. INTRODUCTION

The governments of Costa Rica and Canada sponsored a joint initiative in support of the work of the Intergovernmental Forum on Forests (IFF) on its Category III "International Arrangements and Mechanisms to Promote the Management, Conservation and Sustainable Development of All Types of Forest", which provides for the possibility of a legally binding instrument. Costa Rica and Canada proposed holding regional and subregional meetings as representative and transparent forums for substantive discussion and technical analysis of the issue. The results obtained by this Initiative are to be presented at the fourth and final session of the IFF.

Ecuador committed to organizing and hosting the subregional meeting of Amazon Basin countries, thereby contributing to an ongoing open and participatory dialogue process. To this effect, it was decided to hold consultations in each country prior to the event in order to foster the exchange of information, in-depth discussions and a greater understanding of the Work Programs of the Intergovernmental Panel and Forum on Forests (IPF/IFF), the international forest instruments and their association with national forest policies, strategies and programs.

The Regional Meeting was delegated to the Environment Ministry of Ecuador, which acted as Convenor for the region. The Environment Ministry invited the Fundación Futuro Latinoamericano (FFLA), a non-government organization of regional scope, to be part of the Organizing Committee for the event.

II. OBJECTIVES

The overall objectives identified for the Regional Meeting included examining international forest-related instruments from a regional perspective and based on the needs of our countries, considering the appropriateness of a legally binding instrument, identifying possible issues to be included in this instrument and reflecting on other possibilities and options.

It was also deemed important and concomitant for each country to identify which group of topics to include in its own agenda for discussion, and debate said topics in the light of specific national dynamics and processes, seeking to find commonalties for the region's participation in international forest-related processes.

It is in this spirit that the Environment Ministry and the FFLA organized the Regional Meeting and promoted the carrying out of national meetings according to the process described below.

III. NATIONAL PREPARATORY MEETINGS

The Costa-Rica-Canada Initiative accepted Ecuador's proposal to go forward with a national process of information and dialogue in each country in preparation for the regional meeting. This provided the countries with the opportunity to generate broader spheres of participation, assemble delegations with various sector representatives and debate the topic of the meeting from their own particular realities.

To facilitate these national processes, the environment ministries or government agencies charged with forest issues in the eight countries were contacted to secure the collaboration of non-government organizations with experience in this field and the administrative and convenor capabilities in order to carry out the consultations. Information was sent out on the Initiative, the Intergovernmental Forum on Forests and other documents relative to the Category III topic. In addition, information was personally delivered to the ministers and other members of delegations from countries of the region who were in Quito for the Meeting of Ministers of Amazon Countries on the Clean Development Mechanism.

The organizations contacted were:

Bolivia: Fundación Prisma
Brazil: NGO Forum
Colombia: Centro Andino para el Desarrollo Sostenible
Venezuela: Fundación para la Defensa de la Naturaleza,
Peru: Sociedad Peruana de Derecho Ambiental

No local NGOs could be contacted in Guyana and Surinam, and the respective ministries or contact points indicated they would conduct preparatory procedures or meetings.

Unfortunately, due to various circumstances (time, other internal processes, etc.). most local organizations found it somewhat difficult to organize the consultations, which, as a result, usually consisted of one- or half-day meetings between representatives with the closest ties to forest issues.

The results of these preparatory activities are as follows:

Bolivia: A preparatory meeting organized by the Fundación Prisma was held on October 15, with the participation of delegates from various organizations that took part in a discussion forum on forest issues. Proceedings from the event are attached.

Colombia: The Centro Andino para el Desarrollo Sostenible de Colombia assisted in convening members from various sectors and the Colombian Environment Ministry appointed representatives for the Regional Meeting. There are no proceedings of the national meetings.

Peru: On October 14, the Sociedad Peruana de Derecho Ambiental held a preparatory meeting with the participation of 19 delegates from various government sectors, companies, NGOs and community groups. The facilitator of this meeting was Antonio Bernales, who also was also co-facilitator at the Regional Meeting. Proceedings of the event are attached.

Ecuador: A preparatory process was conducted with the participation of various sectors and organizations, as follows:

- Dissemination of information (distribution of documents prepared by the Initiative and other relevant documents, visits, presentations);
- Thematic analysis (constitution and coordination of working groups);
- Exchange and debate sessions (two workshops – one at the beginning and one at the end);
- Preparation of summary report.

The report on the work done in Ecuador is included in the Appendix.

Brazil: The NGO Forum could not actually be reached and did not participate in the organization of a national dialogue. The Brazilian Ministry of Foreign Affairs indicated that it would directly appoint the official delegation of Brazil for the meeting. There are no reports of preparatory meetings by the Ministry of External Relations.

Guyana: Sustained communication was very difficult with the contact point in Guyana. A few days before the meeting, the Minister of Fisheries, Agriculture and Livestock said that his country would unfortunately not be able to participate in the event.

Surinam: The Ministry of Natural Resources indicated that it would be in charge of coordinating a national meeting and appointing a delegation. There are no proceedings from the Surinam meeting.

Venezuela: The FUDENA organization and the Environment Ministry of Venezuela organized a domestic consultation process and appointed a national delegation with representatives from the various sectors. No proceedings have been received.

IV. REGIONAL MEETING

1. PARTICIPANTS

The Organizing Committee felt each country should choose its own participants for the Regional Meeting, and personal invitations were sent solely to representatives of regional and international organizations.

Countries were asked to appoint a delegation comprised of representatives from the government, private sector (forest or related industry), NGOs working in forest-related issues, indigenous peoples or local communities and women's groups. It was also suggested that delegates be selected from national consultation participants.

The following chart summarizes country participation:

COUNTRY	GOVERNMENT	INDUSTRY	NGOs	INDIGENOUS PEOPLES	WOMEN	TOTAL
BOLIVIA	2	-	-	-	-	2
BRAZIL	1	-	-	-	-	1
GUYANA	-	-	-	-	-	-
COLOMBIA	1	1	-	-	-	2
ECUADOR	8	1	5	2	1	17
PERU	2	1	-	1	-	4
SURINAM	3	1	-	-	1	5
VENEZUELA	2	1	1	1	-	5
TOTAL	19	5	6	4	2	36

Participant knowledge of the subject matter was very mixed. While there was a good understanding of forest issues and related topics, such was not the case for international instruments and conventions, the IFF work program, IFP results. There was even less for more specific instruments or those dealing with other related areas, such as climate change or biodiversity, and their respective conventions. Some participants demonstrated a good knowledge of the current state of IFF discussions, while others were completely unaware of this issue.

2. METHODOLOGY

The proposed methodology for the Regional Meeting (Costa-Rica-Canada Initiative Approach) submitted by the Initiative to the Environment Ministry of Ecuador and the FFLA consisted of three steps or stages:

- **Stage** 1. List of possible elements
- **Stage** 2. Identification of options for dealing with the elements
- **Stage** 3: Identification of pros and cons

When this methodology was put to the test during some of the national meetings organized by countries, two things became clear: dealing with all 73 elements on an individual basis as set out in the San José list was very time-consuming, and it intrinsically lead to the issue of legally binding instruments as the option for analysis.

Since these were both counterproductive to an enlightened discussion on the priority issues for Amazon countries, the Organizing Committee decided to create an abridged list of elements to facilitate discussion and allow for more comprehensive analysis of some of the issues.

List of elements proposed by Ecuador for discussion in the Regional Meeting of Amazon Countries

DEFINITION OF SUSTAINABLE FOREST MANAGEMENT	*criteria and indicators for sustainable forest management * information, statistics on forests *research on forests and forest management *forest monitoring activities
NATIONAL FOREST AND LAND-USE PROGRAMS	*underlying causes of deforestation *reforestation and forest plantations (positive and negative outcomes) *valuation of the multiple benefits, goods and services of forests (water, soil, biodiversity, carbon, production of wood and non-wood goods, employment, symbolic and cultural values) *protected areas *rights of local populations and protection of traditional knowledge (including intellectual property and other sui generis systems)
INTERNATIONAL FOREST PRODUCT TRADE	*transparent access to international markets *certification of forest products *unsustainable consumption patterns *internalization of costs of sustainable forest management and unsustainable management of forest resources *non-wood products and services (including genetic resources) *illegal logging
INTERNATIONAL COOPERATION	*financial cooperation *technology transfer *coordination of international cooperation

The initial approach was established as follows:

1. Review the San José list of 73 elements.
2. Propose the classification of elements identified in Ecuador, consisting of 18 elements grouped under four major headings as a reference for the possible classification of the 73 elements in the San José list, without ruling out the use of the complete list, especially for a more complete understanding of what each element entails.
3. Have participants divide up into three or four groups, each of which will be responsible for covering the elements of one of the proposed topics.
4. Ask participants to identify the priority elements to be dealt with at the group's discretion and begin analysis of these elements.

5. Study the elements of the topic assigned to each group, using the methodology phases identified by the Initiative whereby the national and international instruments dealing with these elements in the region are considered.
6. Analyze any other of the 73 elements from the San José list, as the group sees fit, and follow the same procedure as for the previous elements.

The groups worked on the following topics:

Group 1 (topics 1 and 2): DEFINITION OF SUSTAINABLE FOREST MANANAGEMENT AND NATIONAL FOREST AND LAND-USE PROGRAMS

Group 2 (topic 3): INTERNATIONAL FOREST PRODUCT TRADE

Group 3 (topic 4): INTERNATIONAL COOPERATION

3. MEETING ACTIVITIES

3.1 Day One. Wednesday, October 20th

3.1.1 First session. Opening address.

The welcome address was given by Ecuador's Environment Minister, Yolanda Kakabadse, who highlighted the importance of this initiative as an opportunity for Amazon countries to be involved in a multisectoral analysis of a topic of world interest. The minister urged participants to dialogue openly and frankly, gather as many opinions and proposals as possible and seek those points and positions that are shared by the countries. She suggested that the forest issue extends beyond decisions of government representatives and whether or not to have a convention, which is why the active participation of the various sectors involved is so important. She stressed the fact that these meetings and discussions should help strengthen regional ties and bolster the participation of our countries in international forums.

Dr. Ricardo Ulate, Co-Manager of the Costa Rica–Canada Initiative, also said a few words. He described the Initiative process in the various regions and encouraged participants to analyze the different options available for forest management. He stressed that the purpose of the meeting was not to build consensus on the topics, but rather to amass the widest range of opinions possible on the IFF Category III Work Program, which process is supported by the Initiative.

3.1.2 Meeting agenda, objectives and analytical approach.

The facilitators detailed the objectives and approaches to be used in the meeting for the best results. It was stressed that the meeting methodology would have to be adjusted according to the progress witnessed in the groups and plenary sessions at the end of each day, so as to make the most of the work done by participants.

3.1.3 Keynote presentations.

The purpose of the presentations was to present an overall vision of the international forest dialogue process and inform participants on key aspects for discussion of the meeting topic.

The guest experts spoke on:

- Background of the Intergovernmental Forest Forum. Jaime Muñoz-Reyes, IFF Secretariat.
- International instruments. Ramiro Dávila, Executive Director of the Environment of the Ministry of External Relations.
- International Forest Instruments: The Central American Experience. Ricardo Ulate, Co-Manager of the Costa Rica – Canada Initiative.
- The International Dialogue on Forests. Christian Mersmann, TWRP/GTZ Project.

Following the presentations, a panel was organized as an opportunity for participants and speakers to dialogue and clarify aspects of the presentations and voice concerns on controversial topics, some of which included:

Q. Why is a global agreement required if the processes for implementing forest policies are based on national agreements and accords? What are the differences between the new aspects to be discussed in the international political dialogue on forests and existing ones?

A. The IPF/IFFprocess has made considerable progress toward a better understanding of forest issues and it has achieved greater involvement of NGOs and the private sector. In addition, the functions expressed by the Secretariat justify dealing with the issue on an international level.

The work plan for future international political dialogue on forests would have to involve the prioritizing of issues and selecting areas of intervention as part of an ongoing process. Furthermore, these topics should be dealt with in a broad manner that is open to participation.

Q. Clarify the fourth function regarding the legislative authority to be given to a future international instrument on forests.

A. This function refers to a new or existing legal instrument, which may or may not be legally binding. The goal is to have an agreement or arrangement at the end of the process, but this depends solely on the countries involved in the forum.

Q. Will forests be included in the Clean Development Mechanism (CDM)?

A. From the speaker's personal perspective, CDM implementation must be a joint effort. However, it is important to bear in mind that rapid forestation does not necessarily lead to sustainable forest management. For example, there may be a conflict between the existing forests and reforestation with rapid-growth species.
The official felt that long-term projects involving SFM and preventing deforestation should be established, for which CDM financial resources could be used.

Q. How is capacity-building used to involve other social sectors, such as indigenous peoples, given some of the shortcomings of our countries in the South? What steps are being taken along these lines?

A. Category II contains aspects on traditional forest-related knowledge. In addition, of the 136 IPF Proposals for Action, 18 include recommendations for resources and training to increase participation of indigenous peoples.
Moreover, indigenous representatives have participated in the various IPF/IFF meetings. The Forum is therefore the arena where indigenous peoples have had the best representation.

In addition, IPF discussions have included the results of the Leticia Inter-Sessional Meeting (International Meeting of Indigenous and Other Forest-Dependent Peoples on the Management, Conservation and Sustainable Development of All Types of Forest), Leticia-Colombia. December, 1996

Q. How are the rights of indigenous peoples included in the Central American Forest Convention?

A. Indigenous peoples and their rights are recognized and must be incorporated into policies. This task has not been easy and involves reworking legal concepts, since various groups were not recognized as legal subjects and certain convention rights therefore did not apply to them. One such example is payment for environmental services.
In Costa Rica, there are mechanisms that allow indigenous peoples to receive payment for environmental services in protected areas.

Other questions and concerns centred on:

- Rather than drafting a new instrument, it would be better to first determine the problems encountered in implementing present ones;
- Knowledge of what has already been done so as to avoid diluted actions among the institutions;
- Including implementation of the IPF Proposals for Action in future dialogue on forests or in a new instrument;
- Links between the IFF Secretariat and the WTO (given that the IFF deals with aspects related to the international forest product trade);
- Whether or not the conditions or possibilities exist for regional consensus on certain IFF4 issues;
- Shortcomings in international cooperation, particularly in financial and technological areas as a barrier to implementing existing agreements;
- What are the terms for analyzing the concept of shared but separate responsibilities?

Following the plenary session, participants were divided into groups and began Work Sessions I and II, using the methodology described above.

3.2. Day Two. Thursday, October 21st

On the morning of Day Two, the first day's progress was assessed. After hearing various opinions on the subject, it was decided to proceed with the defined mechanism and the group work continued throughout the rest of the morning and afternoon.

3.3. Day Three. Friday, October 22nd

The final plenary session was held in the afternoon, as the groups requested more time to finalize discussions and prepare their respective presentations.

The groups presented their work, which can be summarised as follows:

Group 1: DEFINITION OF SUSTAINABLE FOREST MANAGEMENT AND NATIONAL FOREST AND LAND-USE PROGRAMS

1. Elements defined for discussion.

2. Summary of opinions:

- Identify various meanings of Sustainable Development.
- Forest valuation based on multiple, rather than just economic dimensions (holistic approach).
- The Convention on Biological Diversity proposes forest management but does not promote it in practice, and it is becoming a barrier to establishing forestry plantations with exotic species.
- Need to find mechanisms for compliance with the mandates of instruments are fulfilled.
- Consider human interests when protected areas are involved.
- Land management must reflect cultural and social diversity.
- Improve and broaden the adequacy of representation of stakeholders in the consultation, implementation and monitoring processes.
- Improve mechanisms of information on the results of convention implementation.
- Draft international forest and biodiversity instruments and conventions that reflect the rights of indigenous peoples and women.
- Design mechanisms to give continuity to international agreements beyond governments.
- Improve the structure of international instruments and work toward their application on a national level.
- An international instrument on land management is considered unnecessary.
- Urge governments to comply with instrument obligations related to indigenous peoples.
- Indigenous territories must include subsoil resources in international instruments.
- Indigenous participation does not exclude the participation of other minority groups.
- Establish economic recognition of environmental services and other forest values to ensure long-term conservation.
- Insufficient arguments for the creation of a new legally binding instrument for forest issues.

3. Comments for the Initiative:

✓ Congratulate the Initiative for encouraging the participation of stakeholders who usually do not have access to the discussion of these instruments.

✓ Seek ongoing mechanisms for open participation.

Group 2: INTERNATIONAL FOREST PRODUCT TRADE

1. Identification of most important elements without prioritization.

2. List of instruments with substantial inclusion of some the elements dealt with:
ITTO, CBD, WTO, Forest Principals, CITES, CC, WB, TCA, CSD, LAIA, CAN, Agenda 21, ILO (169).

Further to examining the ITTO instrument, the organization's pros and cons for SFM implementation were discussed and some suggestions made.

3. Identification of mandatory conditions for implementing the elements of the International Forest Agenda:

- poor provision of financial resources, technology transfer and technical assistance.

- the underlying causes of deforestation must be tackled to generate better conditions for the implementation of Agenda elements.

- countries' lack of political will is a significant limitation.

- poor flow of information from the convention secretariats to the countries.

- shortcomings in the continuity and coordination of the international processes already in existence.

- need for harmonization of the various SFM criteria and indicators based on national and regional experiences.

4. The options presented by the IFF secretariat were discussed.

5. Group contributions to the international dialogue on forests.

- ➢ Maintain and improve the national, regional and global dialogue on forests;
- ➢ Develop an efficient secretariat information network for countries;
- ➢ Identify contact points in the countries for national document dissemination;
- ➢ Encourage dialogue between sectors involved;
- ➢ The IFF Secretariat should participate more actively in WTO efforts;
- ➢ Harmonize trade policy interests with the rights of indigenous peoples and other local communities;
- ➢ Intensify debate on the substantive elements of the IFF Work Program (Categories I and II);
- ➢ Encourage developed nations to adopt sustainable consumption patterns;
- ➢ Conduct a more in-depth analysis of the elements identified in item one, taking into consideration all of the existing instruments and promoting synergies between similar organizations; for example, by analyzing the cost internalization of sustainable forest management;
- ➢ Promote transparent certification systems so that they do not become new barriers to trade. Encouragement so that certification is a voluntary process.
- ➢ Promote the direct participation of local stakeholders in discussions and decisions both at the government and intergovernment level.

Group 3: INTERNATIONAL COOPERATION

Element groups identified:

Global Environmental Facility – GEF

- ♦ Forests only partially covered in the GEF.
- ♦ GEF's inclinations are clearly environmental.
- ♦ GEF has limits due to incremental costs and must broaden its mandate.
- ♦ GEF has not received what was promised it by developed nations.
- ♦ GEF must finance other low-impact forest uses, such as tourism, genetic resources, etc.
- ♦ Benefits of genetic resources.
- ♦ GEF must invest in training of human resources to provide them with negotiation and collections skills.

Recommendations:

Request the IFF to ask the Conference of Parties to the CBD to have the latter prioritize the issues of sustainable forest use/management and issue a mandate to the GEF to this effect.

Request through the IFF that the CSD insist on the need for the GEF to open a special window for loans in the forest sector as part of its financial portfolio.

Compliance with obligations

- Developed nations do not want to provide additional funding.
- New financial resources are needed.
- New obligations have been created while there has not been compliance with the original ones.
- Need to consider donor perspective.
- Developed nations must comply with their obligations.
- Compliance with financial obligations is not enough; consumption and production patterns must also change.

Recommendations:

- Compliance with obligations should be a mandatory topic of discussion at the United Nations.
- This issue should also be dealt with in the CSD and the Fourth Session of the Intergovernmental Forum on Forests (Feb. 2000).

Technology Transfer

- Forest-related technology transfer is of vital importance for our countries. Local capacity-building for the development of appropriate technologies should be particularly stressed. Furthermore, it is imperative that international cooperation cover the costs involved in this technology transfer, since much of this knowledge is subject to intellectual property rights.
- Technology transfer must examine the sharing of intellectual property rights for traditional forest-related knowledge.
- The burden of recruiting outside consultants should be kept to a minimum in Amazon forest loans or donations.
- It is important to consider that financial support and technology transfer are key aspects in enabling our countries to meet international standards in sustainable production and management. Without them, our countries may be subject to exclusion.

Recommendations:

Our countries must urge and remind developed nations through the CSD to comply with current forest-related obligations.

Desired donor characteristics and attitudes

- Make the most of the few existing resources.
- Funding must favour and strengthen the use of traditional forest-based knowledge and local experience that promotes sustainable use and management of all the resources in all types of forest.
- International funding and/or market mechanisms must be subject to environmental and/or cultural land regulations.
- Capital must be available for the national processes of developing criteria and indicators for monitoring sustainability of forest management.
- A portion of all funding for investment projects by multilateral organizations must be for forest protection.
- International funding must contribute to national participatory processes that ensure forest sustainability.
- International funding must make greater efforts to coordinate this funding for optimum use of resources and to promote synergy between these funds.

External Debt

- The funding framework should include the issue of external debt.
- Emphasize the ecological debt owed by developed countries.
- International cooperation must include the issue of external debt and the potential for its cancellation in response to the underlying causes of deforestation.

Unlimited International Trust Fund for Forests

- This option should be thoroughly discussed within the IFF.
- The IFF must also support the creation of trust funds through other institutions, such as, for example, the ITTO initiative of creating the BALI Fund.

Other issues

- Deal with the issue as a regional block
- Danger of reducing forests and their use to a solely monetary issue.
- Funding vs. Environmental impact.
- Why not fully develop the forest issue in the CBD?
- Funded study on the costs of "unsustainable" extraction of forest products.
- Sustainability certification may be a double-edged sword where sustainability criteria are not truly met.
- Sustainable forest use must take into consideration external factors that extend beyond a management plan (violence, drugs, guerilla warfare, poverty, etc.).
- Danger that certification can become a barrier to trade.
- Suggest the creation of a donor board as a go-between for fund donors and recipients.
- Donor group or coordinated sources of funding must not become a factor that results in decreased funding options.

4. EVALUTION

Finally, participants were asked to complete a two-part evaluation of the event:

a. Participants were asked to fill out an evaluation form provided by the Initiative and hand it in to the facilitators or send it to the Initiative (as planned by the Initiative). Only five forms were turned in to the facilitators.

b. Participants were asked for their opinions on the meeting, according to seven categories: Meeting objective; Expectations and results; Basic information; Methodology; Participation; Facilitation; Logistics. Each category could be rated on a scale of one to five to indicate least to greatest satisfaction.

Participants were asked to deposit their cards according to the degree of satisfaction they considered most suitable for each evaluation category.
The following are the results obtained:

CATEGORY	1	2	3	4	5

Meeting objective			5	7	19
Expectations and results	1	1	7	11	10
Basic information	1	8	15	4	2
Methodology			9	13	12
Participation		1	2	5	24
Facilitation			1	9	21
Logistics				5	25

(The numbers in each box indicate the number of cards deposited by participants. The difference in category totals is likely because not all participants used all of the cards).

5. CLOSING

Dr. Marcel Feraud, Under-secretary of Sustainable Coastal Development (Environment Ministry) and Denyse Rousseau, Secretary of the Costa Rica - Canada Initiative, gave the closing remarks.

Denyse Rousseau indicated that the activities of the various regional meetings held around the world are directed at providing a suitable backdrop to facilitate informed decision-making at the next IFF meeting in early 2000. Such decisions, by determining the future of our forests, will be crucial for the future of all humankind.

She stated that given the far-reaching nature of the decisions and considering existing disagreements, the Governments of Costa Rica and Canada decided to initiate this process of gathering opinions from the various forest–related entities and sectors. This effort has been supported by several countries and organizations. In particular, Ms. Rousseau thanked the Swiss government for its financial contribution that made this meeting possible.

She further stressed that building consensus is not an easy task and requires a process to clarify issues and identify commonalties.

Ms. Rousseau added: "You should all be proud of your contribution to the overall objective of the Initiative. We are truly very pleased with the results obtained. Thank you for allowing us to be here and learn from your experience. This exercise has clearly demonstrated its potential for serving as a basis in consensus-building and facilitating subsequent decision making."

Finally, on behalf of the Governments of Costa Rica and Canada, she expressed her most sincere admiration to all of the participants, and thanked the Organizing Committee and the Ecuadorian Environment Ministry for their contribution to the meeting's success.

Marcel Feraud also expressed his satisfaction with the results obtained in the meeting.

He stressed the importance of the forest ecosystem in contributing to the health of our planet. While this ecosystem unfortunately includes a vast number of conflicts, it also has its strengths.

Mr. Feraud also pointed out the opportunity of this personal contact established between the Amazon nations and the need to value and make the most of these meetings. He stressed how important it was for the City of Guayaquil to have been selected to host this event.

Finally, he thanked the Initiative countries, the Fundación Futuro Latinoamericano and his colleagues from the Environment Ministry.

V. RESULTS

Two remarks are necessary for a proper interpretation of the results:

- The results are set out according to the group of elements dealt with by each working group, broken down according to the topics proposed by the Organizing Committee (as explained under Methodology).
- Beside the elements covered under each topic is the number of the corresponding element(s) from the San José list, in parentheses.

GROUP 1

Definition of sustainable forest management and National forest and land-use programs.

Stage I

The group identified the following elements for discussion but did not prioritize them in relation to the topic.

(new)	Land management.
(1/ 8 /12)	Integrated management of forest ecosystems.
(2)	Criteria and indicators for sustainable forest management.
(3/ 62)	Statistical information on forests and monitoring activities.
(13)	Biodiversity.
(14)	Protected areas.
(27 / 38)	Valuation of the multiple benefits of forests.
(6 /53)	Rights of indigenous and local populations.
(51)	Full consultation with all stakeholders.
(5)	Impact of reforestation and forest plantations.
(57)	Rural policies and land use.

Attention was drawn to the fact that many elements are actually partial aspects of others. For example, the criteria and indicators of sustainable forest management element includes the elements of statistical information, protected areas, public consultation, and valuation.

Varying perceptions of sustainable forest management were noted for business representatives, environmentalists and indigenous. Some approach the concept from the perspective of forest utilization, inventory, merchantable size of trees, the fact that there is a market for some forest types and not others, etc. Others maintain that sustainable forest development goes beyond utilization and should focus on sustaining a community or whatever group to which the user belongs. Sustainable forest management is therefore utilization of the forest and other resources, sustaining the community, sales of services, etc. It was suggested that a standard concept be used.

Stages II and III: Identification of options for dealing with elements, their pros and cons.

(this group worked on both Stages I and II)

Group 1

Land management

Some countries have land-use legislation with general domestic provisions but nothing specific on forests, although at times the forest component is included. One problem noted is the inadequacy of institutions responsible for land-use planning, with overlapping duties and powers among the various national and sub-national levels of government.

Indigenous people are concerned by the notion of land use. They fear that governments will use this legislation to negotiate away the remaining resources on indigenous territory. There is the question of who will benefit from such regulation. It was suggested that indigenous peoples be involved in the consultation and proposal processes, and that land-use legislation include provisions that guarantee the respect of indigenous traditions.

The fact that some countries do not have the adequate regulations does not mean that no criteria for land use exist.

It was noted that domestic legislation fosters forest conversion. Normally, lands can be sold, given the valuation of cut forest areas. Other legislation maintains that forest areas that are not "worked" (cut) can be invaded. This contradiction still exists in some countries.

Valuation of the multiple benefits of forests.

Forests disappear, it was contended, because sustainable forest management does not pay and forest planning is not profitable.

The need to perform a true valuation of forest resources was raised, and it was suggested that there are legally binding mechanisms to do so.

Some suggestions to improve valuation and ensure forest sustainability included:
- Putting a price on indigenous knowledge, so that an area with indigenous presence is much more valuable than an area without it.
- Taking advantage of the Convention on Climate Change. Proper negotiating and trying to obtain better prices due to CO2 capture and subsequent reinvesting in forest conservation. By getting a better price through conservation of a natural forest resource, the value can be reinvested in conservation and the benefits are more far-reaching.
- Obtaining better timber prices so that the forest is more profitable and management of this resource is viable.

The suggestion was made to establish international mechanisms for financial and technical support (somewhat similar to farming programs) as well as incentives for forest management and conservation before reforestation.

But how can sustainable forest management become good business? One instrument could be the ITTO's year 2000 objective, although it seems unlikely it will be met.

It was noted that indigenous people do not agree with forest valuation based solely on economic terms.

The specific domestic aspects of a nation cannot be covered in international conventions. The Convention on Biological Diversity, for example, requires more concrete terms for sustainable development to be effective. It is vague given that its provisions can only be applied on a national level and there is some degree of overlapping.

Protected areas

Legally binding international agreements must reflect what is classified as a protected area for each country.

Indigenous groups proposed the following:

- That there be no further protected areas in indigenous territories, and that those currently within such areas should be declared to be Indigenous Territories. There is the fear that restrictions will be placed on traditional activities, such as hunting. They find the declaration of protected areas in indigenous territory to be a serious matter.
- That their territories be respected and not invaded by transnationals or power groups.
- That legislation be drafted providing for the joint administration of the protected areas by indigenous peoples.
- That actions be regulated (as in the case of the legislation of Costa Rica) and that their traditional activities not be restricted.
- That the declaration of *Bosques con Protección de Pueblos Indígenas* - Forests under indigenous protection – be contemplated (rather than protected area).

In addition, it was suggested that international conventions contain mechanisms to ensure compliance with agreements (e.g. the indigenous peoples of Colombia are recommending that their country comply with Convention 169 of the ILO, currently not the case).

Lack of either the economic or technical means to maintain protected areas was noted as well as the fact that the countries have declared as conservation forests many areas that could be used for production.

The need to seek mechanisms to commit the international community to forest conservation so that countries may receive economic compensation was raised.

Further to the above, it was mentioned that the support is for management of native forests, protected areas, sustainable forest management, etc., but it is not known how to go about obtaining this type of international support.

Full consultation with all stakeholders

First, it was indicated that there is no specific international instrument that deals with this element. However, mention was made of the Amazon Cooperation Treaty and consultation with the government.

Public participation is limited by users' lack of knowledge of international laws and conventions. Furthermore, it was recalled, instruments such as the Earth Charter and Agenda 21 that contemplate participation of civil society do exist.

In general, consultation processes do not have adequate regulations or the mechanisms to ensure effective public consultation and participation in these processes, which often depend on discretionary authority or institutional political will. Traditional decision-making mechanisms are also not recognized.

Almost all the countries have national and international framework references. The problem lies in implementing the principles and policies.

Some countries have pilot participation projects, but no formal mechanisms. However, it was suggested that participatory mechanisms be included in the formal legislation along with the tradition consultation and decision-making mechanisms.

Criteria and indicators for sustainable forest management

The need to standardize the criteria of the WTO, ITTO, FCCC, FSC and the Amazon Cooperation Treaty (Tarapoto, Peru) was acknowledged and suggested so that each country can then define its own indicators based on its specific conditions.

Several international documents contain the criteria. International discussions must be encouraged to standardize criteria and indicators for sustainable forest management.

Mechanisms must be devised to monitor compliance with the conventions and ensure that their content is made public.

It would seem that the benefits of the international instruments currently in use are not visible and governments have not implemented the policies. Will new instruments simply be trade agreements or will they offer something to the people? Indigenous populations believe the purpose of the instruments will be mainly commercial. How will the population benefit?

The main problem is how to be inclusive without each instrument being too specific. The Framework Convention on Climate Change deals only with CO2 and other greenhouse gases; the Desertification Convention, land rehabilitation; the Convention on Biological diversity, conservation... What is needed is a holistic approach, developing instruments from a sustainable forest management perspective and ensuring that elements can be identified in the big picture.

There are three instrument alternatives for dealing with the elements: (I) new forest convention; (ii) improved structure of all the existing instruments; (iii) working at the national level and doing nothing at the international level. This analysis rules out the first alternative and recommends using instruments included under the second two options. An instrument is needed that re-creates the entire forest problem and finds a way to apply it using national instruments. It is recommended that an agreement be signed that better restructures the application of existing instruments and then works on their domestic application.

An international instrument is not deemed necessary to cover this element; rather, national instruments are more important in defining the specific indicators and applying them. It is felt that international instruments cannot attain these objectives.

Statistics and monitoring

There are no international instruments for dealing with this element, but it is felt that they are not necessary. However, international economic and technical support is required to achieve proper monitoring of forest management.

Several countries have inventories on forest resources, commercial statistics, etc., in addition to projects for enhancing the qualitative and quantitative information on their forests. The main difficulty identified involves the financial and technical resources required to keep systems current.

Impact of reforestation and forest plantations

The main instruments identified were:

- International Tropical Timber Agreement (ITTA). Boreal forests are not considered under this agreement, which does address the transfer of reforestation resources and the development of industrial afforestation. It includes funding for the private sector with government backing but not preinvestment funds.

- Convention on Control of Desertification (CCD).
- Framework Convention on Climate Control (FCCC). Only considers payment for CO2 capture and not payment for other environmental services, such as protecting the natural landscape.
- Amazon Cooperation Treaty.
- Convention on Biological Diversity. It was mentioned that the precautionary principle could hinder major plantations of exotic species.
- Convention on International Trade in Endangered Species (CITES)
- Convention for Protection of the World's Cultural and Natural Heritage.

Only domestic initiatives for payment for other environmental services exist and are not contemplated under any international convention.

Reference to pertinent national legislation and policies was also made.

In addition to the discussion on instruments, the group debated several issues of forestation and its impact:

- Impacts: It was suggested that the positive and negative outcomes be approached from a land-use rather than a forestation perspective.
- Forestation has the least impact compared with that of farming activities. A national legal instrument was suggested to regulate these practices in addition to carrying out regional studies on this issue.
- The reforestation framework should be examined so that it favours small- and medium-sized producers.

Rights of indigenous and local populations

The national and international instruments identified for dealing with this element were:

- Convention 169 of the ILO
- Convention on Biological Diversity
- Agreement 391 of the Cartagena Agreement
- United Nations Declaration on the Rights of Indigenous and Tribal Peoples
- Declaration on the Rights of Indigenous Peoples of the OAS
- United Nations Fourth World Conference on Women: Platform for Action (chapter on women and the environment).
- Chapters 11 and 12 of Agenda 21.

The analysis of the pros and cons of these instruments can be summarized as follows:

- It is recommended that the principles contained in the conventions be incorporated into national legislation.
- Several countries have not ratified ILO Convention 169, while others are trying to have it included in their Constitution.
- One problem with the conventions as regards indigenous affairs lies in wording such as *"governments should"* instead of *"governments must"*.
- There are no international mechanisms for pressuring governments to ratify these conventions and the principles they contain are not mandatory. Non-compliance is not monitored.

- International conventions and governments do not include subsoil resources, which is a problem since these may affect land ownership rights, with negative social, cultural and economic outcomes for population settlements. Mining is one such example.
- Mechanisms are lacking for local implementation of the conventions, dissemination and participation in the decision-making processes for instruments.
- Poor coordination between conventions is a problem.
- Is there a way to prevent the violation of the rights of indigenous and local populations? What options are provided under national legislation to claim the violation of these rights? If the conventions themselves have not included a system for the application of an international regulation, governments cannot be forced to comply.

One final point of discussion was the debate on which legally binding legislation was of greatest concern to the Amazon countries. The group agreed that the Convention on Biological Diversity gives cause for the most concern, further to which the following was stated:

- While the Convention recognizes sustainable management as a conservation strategy, countries leave huge masses of forest for pure conservation. The Convention tends to be interpreted as simply protectionist and against all activities related to forest utilization.
- Ecuador does not apply this Convention because the policies, principles and strategies have not been incorporated into national legislation, and due to a lack of mechanisms for application.
- Surinam has initiated action based on the principles of this Convention and has protected areas. However, there is the fear that scientists could take advantage of indigenous forest-based knowledge and their research procedures must therefore be properly monitored.
- Colombia has not achieved effective utilization, particularly in the area of genetic resources, due to a lack of regulations.

GROUP 2

International forest product trade.

Stage 1

After reviewing the list of Initiative elements and that prepared by the Organizing Committee, the following were defined as being the most relevant to the topic of the forest goods and services trade.

(19) Transparent market access.
(22/18) Trade policies and practices.
(21) Cost internalization.
(27) Valuation.
(20) Certification.
(48) Financial mechanisms.
(54) Intellectual property rights.
(1) Definition of sustainable forest management.
(28) Technology transfer
(24) Employment, health and safety standards.
(31) Trade of wood and non-wood goods and services.
(59) National policies on sustainable development.
(23) Supply and demand/consumption patterns
(20) Certification/ecolabelling.
(36) Illegal logging.

Market competitiveness of products was a topic that sparked interest in the discussions. It was suggested that aspects such as production volume, market research, technology transfer and funding have become major restrictions to achieving forest product competitiveness.

Reference was made to certification processes, and it was indicated that while certification allows for access to international markets, in some cases it acts as a "non-tariff barrier". It was pointed out, however, that the certification process is voluntary.

The need for a mutual agreement on trade policies and practices between the countries was stressed.

It was felt that the employment issue should include the relationship between the forest products and services trade and the generation of employment as well as the employment conditions for sectors linked to the production and trade of forest goods.

There is a need to incorporate new elements, such as the role of indigenous communities and women, into sustainable forest management. These aspects could be part of the discussion on forest valuation (element 27). It was further suggested that the meaning of sustainable development for indigenous peoples and the West should be discussed.
It was stressed that indigenous rights is a vast issue that cannot be reduced to traditional forest-based knowledge.

The need for in-depth analysis of the underlying causes of deforestation as well as mechanisms for technological and financial cooperation was emphazised.

Consideration was also given to the need for a holistic approach as set out in Agenda 21, by examining aspects globally through an intersectorial approach, noting the interrelations in and out of the forest. Furthermore, the elements of greatest importance to each country and sector should be examined and detailed.

Stage II

From a long list drawn up in an initial identification exercise, the following instruments were selected based on how well they dealt with the issues related to the forest goods and services trade.

ITTO, WTO, Convention on Biological Diversity, Forest Principles, CITES, Framework Convention on Climate Change, World Bank, Amazon Trade Treaty, Commission on Sustainable Development, LAIA, Andean Community, Agenda 21, ILO (169).

All of the instruments were not examined due to a lack of knowledge and information on each. Discussion centred on the International Tropical Timber Organization and the WTO.

The following opinions were expressed on the ITTO:

- It covers all of the elements set out for discussion in a general manner and also includes sustainable development, technology transfer, wood and no-wood goods, sustainable forest management and tropical reforestation;
- It has set out guidelines for the sustainable management of natural tropical forests and plantations, diversity conservation and monitoring forest fires.
- It supports market research and economic information on forest products.
- It is unclear whether the year 2000 objective will be met; however this is an ongoing objective of the organization.
- It has a vital role within the high-level Inter-Agency Task Force on Forests.

- Decisions are made by consensus, and while process can be slow, it is neither exclusive nor coercive.
- Sustainable forest management limitations: lack of financial resources and the competition between different international organizations to secure funds for similar ends: scope of action (noting the lack of consensus in past years to include hardwood under the Agreement); negotiation capacity and power in dealing with the World Trade Organization (WTO).

The way in which some forums deal with the relationship between trade and the environment was discussed.

The following were comments on the WTO:

. its mandates include not discriminating between commercial goods on the basis of production method and processing or place of origin. It was furthermore mentioned that it identifies some environmental protection standards through the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures.

. it currently deals in-depth with the relationship between trade and environment by way of the Committee on Trade and Environment. This instrument was created specifically to identify these dynamics and to carry out recommendations on possible changes to international trade regulations. In 1996, this Committee presented its first report, which contained an analysis and recommendations on ten problem areas in the proper coordination between international development of free trade and effective environmental measures.

It was noted that the principles of trade agreements such as the WTO, NAFTA and MERCOSUR are contrary to the principles of sustainable development. There are contradictions in WTO standards and policies and those set out in environmental agreements and instruments. While some of these instruments include the sustainability category, they do not apply it in practical terms: "the WTO is apparently a guarantee for the respect of environmental standards, but in Mexico, NAFTA is clearly a huge barrier to sustainable management";

The need to conduct further studies on the relationship between trade liberalization and sustainable management of natural resources and the advantages and disadvantages of the opening up of trade was suggested in addition to determining whether in fact this liberalization achieves sustainable development.

Stage III

Various opinions were expressed on existing options, including those put forth by the IFF3 and others proposed by participants. It should be noted that several delegates stressed a lack of knowledge and information on the instruments and on their government's actions in the international arena. It was also pointed out that some instruments have only recently been created and the evaluation of their effectiveness and degree of compliance is somewhat premature.

Another argument centred on the difficulty of discussing Category III without sufficient knowledge of Categories I and II, and the lack of consensus in some elements of these Categories.

Opinions on forest regulations and the instruments in general are summarized below:

- The international instruments are not static in that they adjust to the requirements and needs of member countries and gradually build on their capacities (the ITTO, for example, was created to deal with primary products, and it has progressively broadened its scope of activity to include the conservation of the resources that produce these goods).

- It is important to discuss the need to give new direction to present instruments and analyze in greater detail the difficulties encountered in implementing their actions.
- Even with the necessary financial resources, the lack of political will and ignorance of the underlying causes of deforestation are barriers to achieving sustainable forest management.
- It is vital to identify the quickest alternative for implementing specific and necessary actions to achieve SFM.
- For the processes to achieve the required credibility, it is necessary to know which criteria will be used for the analysis of their advantages and disadvantages.
- Keen to husband resources, governments often sign conventions without consulting the civil society.
- The principles of international instruments are contradictory or are incorrectly applied (for example: Convention 169 of the ILO, with respect to decrees for the creation of protected areas).

The following comments address the options:

Continuation of the ad-hoc (non-binding) intergovernmental dialogue:

- One example of this option could be ongoing IFF dialogue at a later stage.
- The principal functions of the mechanisms of dialogue should be to foster synergies and unite efforts between existing instruments.
- International organizations often do not provide much of a forum in which to discuss the needs and interests of indigenous peoples; rather, this is offered by non-government organizations. It was noted that in five years, the forest debate has not reached the grass roots level and continues to be discussed by an elite and not the stakeholders actually involved in sustainable forest management and the forest goods and services trade.
- There are no consultation mechanisms for indigenous peoples on issues such as land concessions.
- Dialogue will allow for a more in-depth analysis of those elements on which consensus has not been attained.

Improving non-legally binding instruments:

- Would enable for the scope of action of the instruments to be broadened, although these would continue to be instruments with no binding effect. This alternative could include the implementation of the IPF Proposals for Action. Furthermore, it was noted that these proposals involve consensus-building and it will therefore be necessary to determine which factors have hindered their implementation by countries. Lack of resources and political will was alluded to as well as the fact that as "proposals", they do not generate obligation. It was pointed out that while there were 136 Proposals for Action, many forest-related aspects remained pending.
- The question was raised as to how the IFF follows up implementation of the Proposals for Action, and one of this forum's limitations was identified as a lack of execution mechanisms.

Use of existing legally binding instruments:

- The Convention on Biological Diversity was cited as an example since it has a forest program.

Regional mechanisms:

- It would be preferable to use existing regional agreements (NAFTA, Cartagena Agreement) and processes such as those related to the definition of Criteria and Indicators: on the basis of the national definition, regional and global discussion could be continued. The Tarapoto process received special mention.
- A new regional agreement might be an interesting alternative; however, the time required for the negotiation process must be taken into account, as with the Pan-European Group or the Central American Convention.

Existing framework conventions:

- This would be a global convention that included the elements proposed in regional mechanisms.
- A framework convention could include new agreements.

New legal instrument:

- Several delegates wondered whether a new international instrument is needed. It was felt that the creation of a new convention would not necessarily generate consensus on concrete actions for SFM implementation. In fact, it was suggested that the discussion and negotiation of a convention could slow the progress of specific projects.
- There is evidence that conventions are not applied, and yet a new instrument is now being discussed.

A new mechanism under the Commission on Sustainable Development (CSD):

- with specific mandates for coordination with other existing instruments. It was suggested that the forest dialogue could be ongoing in the CSD to promote synergies with the other existing instruments.

Whatever the alternative and arrangements adopted, it is fundamental that they contain the achievements, resolutions and proposals of previous processes (for example: "The International Meeting of Indigenous and Other Forest-Dependent Peoples on the Management, Conservation and Sustainable Development of all Types of Forests" in Leticia, IPF process; Initiative on Underlying Causes, IFF process).

The aspect of access to information and participation was considered vital and various recommendations were put forward:

- Creation of focal points to enable the processing and dissemination of information.
- Establishing a mechanism for the recovery, gathering and follow-up of information on the various national, regional and global forums.
- Creation of task forces and/or special commissions with forest-related sectors to discuss proposals.
- Distribution of information to the different sectors and greater work with communities.
- Improved distribution and identification of information by the IFF.

GROUP 3

Financial Resources, Technology Transfer and Cooperation.

Stage I

The discussions and consultations in this group were geared to identifying specific issues of particular regional importance regarding cooperation, technology transfer and financial resources. The elements were reorganized as follows:

(48) Global Environmental Facility – GEF –
(70) Compliance with obligations
(28) Technology Transfer
(49) Desired donor characteristics and attitudes –Donor coordination
External debt
(48) Unlimited International Trust Fund for Forests

The following points were highlighted in the discussions:

Financial resources:

Coordination of International funding is poor. Several delegates feel there are gaps and overlap that generate inefficiency in the allotment of funds. As a result of this reality, consideration should be given to a possible coordinating body that would channel cooperation funds and whose decisions would be transparent.

The issues of forest certification and the financial resources required to apply it sparked interest in this group. Some participants were in favour of demanding more financial resources in order to attain the objectives of forest certification and not be left behind and marginalized by market trends in the North, where there is increasing demand for forest products issued from sustainable processes.

Resources must be directed toward national processes of developing Criteria and Indicator systems to monitor the sustainability of forest management.

Prudence is required when determining who should be allotted funds for sustainable forest development, as it is difficult to know which organizations are most in need of these funds: communities, private business, NGOs.

Financial resources must also be aimed at developing other forest uses and consider the genetic riches of the forest and their potential for resource generation. Ways should be sought to access biological resources and ensure the fair and equitable distribution of the benefits of this biodiversity.

One delegate pointed out that financial resources should not be the sole focus of concern for countries of the region. The obligations of developed nations should go beyond the transfer of resources; rather, these countries need to consider changing their patterns of production and consumption.

International cooperation must redefine its intervention so as to contribute to the vision of local stakeholders and not be governed by guiding principles set out by developed countries. It will be important to discuss the issues of funding and sustainable forest policies in larger forums with stakeholder involvement. Furthermore, the financial resources must be available to promote local participatory processes that target better use of natural resources.

Similarly, it is considered fundamental that a portion of the financial resources of multilateral organizations and agencies allotted to investment project funding in any sector be reserved to contend with the underlying causes of deforestation.

Technology Transfer

One of the priorities dealt with under this heading was capacity-building to generate our own technologies. For example, in sustainable forest management it is very difficult to adapt hardwood stand technologies to Amazon forests. However, some technological aspects do indeed need to be transferred. The issues of technology transfer and capacity-building are therefore priority aspects of equal importance for the region.

Technology transfer should be a priority in the development of Forest Certification to ensure that this certification does not become a means of exclusion.

The participation of indigenous peoples and their alternative methods of utilization require special consideration in the discussion of technologies.

Traditional forest-based knowledge must be valued in order to appreciate local experience, which is why funding mechanisms must favour the use of both traditional knowledge and local experience. The need to reduce hiring of outside contractors in loans and donations for Amazon forests and in general was expressed. Studies should also prioritize the promotion of shared intellectual property rights for products based on this traditional knowledge.

Technology transfer must contemplate funding to cover the costs of knowledge transfer, most of which is subject to intellectual property rights that can become a barrier to technological cooperation if overlooked.

Compliance with obligations

The overall opinion of the group was that developed nations are not complying with their financial resource obligations in the various international forums. There is the impression that developed countries are no longer interested in transferring more resources, contrary to the needs and interest of our societies in seeking further development.

It is vital that new financial resources be available to deal with forest-related problems. There is the feeling that additional obligations have been created for developing nations when developed countries have not yet complied with original ones.

External Debt

It was pointed out that this issue should also be considered under funding given its absorption of quantities of resources that could be otherwise be used in forest conservation.

Emphasizing the ecological debt owed by developed countries is a priority.

Furthermore, the potential cancellation of the external debt could be considered, given the effects of this debt on forests and the underlying causes of deforestation.

It is therefore considered essential that the purpose of debt exchanges and "swaps" be in response to the underlying causes of deforestation.

Stages II and III

The following instruments were identified as relevant to the issue:

Convention on Biological Diversity
Framework Convention on Climate Change
Convention on Control of Desertification (CCD)
IPF/IFF
UNCED Forest Principles
Amazon Cooperation Treaty – Tarapoto Criteria and Indicators
ITTO
CITES
RAMSAR Convention
WTO
Andean Community

However, the group stressed that the above list should not be considered to be complete.

The group did not analyze each of the instruments due to a lack of knowledge.

It was suggested that it is the duty of each country to set out its own priorities and projects and study the existing possibilities and opportunities contributing to them. Every country must therefore identify the mechanisms that meet its needs from among all of the existing international instruments.

The following remarks were made on the instruments:

ITTO: has limited funds.
CCD: has a funding mechanism, but has not had sufficient funds to use it. Moreover, a delegate pointed out that this Convention prioritizes African countries.
CITES: has projects to improve the abilities of customs officials in identifying the traffic of illegal species.
RAMSAR Convention: only deals with wetland forests.
WTO: this organization does not deal directly with funding mechanisms; however, it covers government incentives and disincentives for products, including those from forests. The group stressed that the WTO is solely a trade organization, although it has a special committee dealing with the relations between trade and the environment.

One delegate reacted to the analysis of these instruments by remarking that there is no guarantee that a new convention or instrument would increase the flow of funds for cooperation.

A review of the elements identified based on some of the instruments listed was deemed necessary.

Technology transfer: it was indicated that this issue should be included in the CSD, taking into account developed countries' existing obligations within the Commission, and in the WTO Committee on Trade and Environment. Furthermore, it is important that the representatives to these forums be informed about the issues dealt with here to increase their capacity for involvement in international discussions, for example the CBD and the FCCC.

Financial resources:

A list was made of United Nations and other intergovernmental agencies providing financial cooperation:
World Bank
UNEP
UNDP
IDB
ADC
Other institutions:
Private bank (KFW)
European Union
International foundations and NGOs
Bilateral cooperation agencies
Private sector

These multilateral banking financial resources must receive special consideration given that many of their investment projects have an impact on forests. Moreover, a portion of these private resources must be reserved for forest protection and the drafting of environment policies to govern the use of these resources. Funding and/or market mechanisms are therefore subject to domestic environment and/or cultural regulations.

It was indicated that there are different instruments, such as the CBD and the ITTO, that deal with trust funds with specific objectives.

There was discussion on the effective possibilities of creating an unlimited trust fund, which option some felt was unlikely given the difficulties in obtaining consensus in forest issues. It was also mentioned that this type of funding mechanism could be considered under the Convention on Biological Diversity.

However, the following remarks should be stressed with respect to the CBD:

- The CBD is conservation-oriented, which could limit the use of funds for the sustainable management of wood resources.
- The CBD is a limited forum for dealing with forest issues, as its principle of fair and equitable distribution of the benefits of biological diversity would involve the distribution of all of the benefits from international trade, which is not feasible.

In response to the first point, it was mentioned that the Work Program on Forests of the CBD is subject to taxonomical analyses that contribute to conservation.

Further to these remarks, it was felt that the political viability of creating this fund within the CBD was great, given that the IPF Proposals for Action are agreements between countries. Moreover, there is a commitment to facilitating its implementation and the creation of this trust fund is one way of achieving this.

In a broader discussion on financial resources, another option mentioned was the GEF, which is also part of the CBD. It was suggested that this instrument can be changed further to a decision of the countries and can be expanded to include part of the protected areas within the CBD.

The point was made that by bolstering the GEF in forest issues, all forest-related matters would be dealt with under the CBD.

It was suggested that GEF-related matters should be dealt with in the Conference of Parties to the CBD, as this is where the IFF or the CSD must direct their request that the GEF extend its funding to SFM issues.

In discussing the Trust Fund, it was mentioned that the ITTO's attempts at creating the Bali Forest Fund have been unsuccessful to date. It was therefore suggested that the IFF take on this initiative and call for the support of the ITTO to facilitate the creation of this fund.

Compliance with obligations

One way to achieve compliance with obligations is prioritizing the actions to be taken based on the few existing resources.

The IPF has 150 approved proposals the implementation of which is subject to the availability of the necessary funding.

It is considered vital that Amazon countries assess the financial cost of protected area implementation and inform the international community that this cost must first be met before anything can be done. Compliance with obligations is therefore put into perspective. Putting a pricetag on protected areas will make developing countries aware of the consequences of their failure to comply with resource transfer obligations.

It was further stated that coercion cannot be used to force compliance with obligations since the latter were entered into voluntarily. Instead, persuasive means must be used in the appropriate forums.

The suggestion was made to follow up the issue of compliance with obligations where they were created, in the CSD.

It is important to identify a strategy to achieve the feasibility of the issues identified. Determining how to assert ourselves as a group of countries within the forum would be a major step forward and should be dealt with in existing groups such as the GRULAC, TCA and CAN.

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Regional meeting of the Costa Rica-Canada initiative

Caribbean, Central and North America
November 24 to 27, 1999
Mexico, Federal District

International arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests.

Report

Experts from the following countries participated:

Belize
Canada
Costa Rica
Cuba
Dominican Republic
El Salvador
Guadeloupe
Guatemala
Guyana
Honduras
Jamaica
Mexico
Nicaragua
Panama
Saint Lucia

- INTRODUCTION

  - Initiative.- The international community has been debating the wide variety of elements relating to the management, conservation and sustainable development of forests of all kinds. In view of the difficulties in reaching an agreement regarding the most appropriate instruments, Costa Rica and Canada joined forces to support the Inter-governmental Forum on Forests in order to begin a process of identifying possible elements that could shed light on the usefulness of having international mechanisms and agreements.

    The Costa Rica – Canada Initiative consists of three stages: the first, a meeting of experts held in San José Costa Rica from February 22 to 26, 1999, identified a basic list of elements and prepared a methodology for the process. The second stage involved a series of regional meetings to analyze the benefits and potential elements for the instruments and possible international arrangements from the regional standpoint. The third stage will consist of a meeting in Canada at the end of 1999 to consolidate the results of the meeting of experts in Costa Rica and the contributions of the regional meetings as the basis for preparing the conclusions and recommendations to be presented to the fourth meeting of the IFF in early 2000.

  - Regional meetings.- A national workshop to test the methodology of the Costa Rica – Canada Initiative was held in Mexico city on November 17 and 18, as a preparatory measure (annex 1).

    The regional meeting for the Caribbean, Central and North America held on November 24 to 27, 1999, which concluded today was the eighth and last of the planned meetings. The earlier meetings were held in Malaysia, Zimbabwe, Spain, Turkey, Cameroon, Ecuador y Argentina.

  - Organization.- An organizing committee was established, which was advised by staff from the Costa Rica – Canada Initiative on the preparatory work and an entire technical and support team was contracted to assist in achieving the planned outcomes (annex 2).

  - Participants.- The guests included experts from governments, nongovernmental organizations, social groups, the private sector and other special guests from the following countries: Canada, Costa Rica, Mexico, Dominican Republic, Guatemala, Belize, Nicaragua, Panama, Cuba, Trinidad and Tobago, and Jamaica (annex 3).

- OPENING CEREMONY

  The presidential table was composed of:

  - Dr. Víctor Villalobos Arámbula.- Deputy Minister of National Resources of the Department of Environmental Affairs, Natural Resources and Fisheries (SEMARNAP).
  - Lic. Luis Rojas Bolaños.- Co-chair of the Costa Rica – Canada Initiative.
  - Ing. Denise Rousseau.- Canadian representative of the Costa Rica – Canada Initiative Secretariat.
  - Dr. Gonzalo J. Facio.- Costa Rican Ambassador to Mexico.
  - Mr. James Lambert.- Minister Councillor of the Canadian Embassy in Mexico.
  - Lic. María Del Carmen Culebro.- FAO representative in en Mexico.
  - Ing. Jaime Hurtubia.- IFF Secretariat.

At the opening ceremony Dr. Víctor Villalobos commented on international initiatives on forests. Lic. Luis Rojas described the background, objective and development of the Costa Rica – Canada Initiative and gave the floor to the Deputy Minister of Natural Resources of SEMARNAP who declared the meeting officially open (annex 4).

- PRESENTATIONS

Lic. Marina Ribó of the International Affairs Coordination Unit of SEMARNAP described the concepts and general terms of the international legal instruments, a framework that familiarized the participants with the specific vocabulary (annex 5).

Lic. Mario Duarte from the same SEMARNAP unit gave a presentation on international conventions that include forests.

Lic. Jaime Hurtubia of the Secretariat of the Inter-governmental Forum on Forests explained the origin, development and considerations behind the meetings.

Last, Ing. Jorge Rodríguez, Advisor to the National System of Conservation Areas of the Costa Rican Ministry of Environmental Affairs presented the Central American Convention on Forests.

- FOCUS OF THE INITIATIVE

For all the regional meetings, the steering committee of the CRCI prepared a common methodological approach known as the "Costa Rica – Canada Initiative Approach" which has been used as the general framework to facilitate the consolidation of the contributions made by the different regional meetings into a single final report. The approach is attached as annex 6 and consists of the following four steps:

Step 1. Identification of a preliminary list of elements.

Step 2. Identification of options for treating the different elements.

Step 3. Pros and cons.

Step 4. Evaluation.

- Mechanism

The technical coordinator of the Organizing Committee, Ing. Francisco Javier Musalem, explained the mechanism that would be used at the meeting, describing the form of operating in plenary and working sessions, responsibilities and officials, location, framework rules, the methodology of the initiative and the additional forms to be used in support of the discussions (annex 7).

- Plenary session.- Stage I: To identify a working list of potential elements. This process was led by three facilitators who were each responsible for 24 elements. The participants in the plenary session discussed and developed a list for international arrangements and mechanisms, in accordance with Stage 1 of the Costa Rica – Canada Initiative.

The Organizing Committee distributed a document from the meeting of experts in San José which included brief mention of possible contents for each of the elements (annex 8).

- Work groups.- Stages II and III:

- Groups 1, 2 and 3 met simultaneously and each worked with the stages included in the methodology. The specific conclusions reached by each group were partially presented for stages 1 and 2 by their respective rapporteurs at a plenary on progress (partial reports, annexes 9, 10 and 11).

- PRODUCTS BY STAGES
    - Stage I.- Preliminary list of elements for the regional meeting.
        - Of the original list of 72 elements, it was proposed that four be eliminated since they duplicated others; it was also recommended that five be combined because they were related. It was suggested that two more be added (biosecurity and consumption patterns) since they had not been dealt with.
        - Element five, which contained five components, was modified to contain four, and there was discussion regarding the advisability of converting each of those components into elements.
        - The names and texts of several elements were changed for different reasons, particularly on account of ambiguity and generalization, as well as translation problems.
        - Last, it was suggested that all the elements be arranged in a coherent order, since some were inter-related or formed part of the same topic. There was some opposition, arguing that it would be difficult to do and would result in a considerable loss of time.
        - The partial reports per group and the elements included and their discussion can be consulted in annex 12.
    - Stage II.- Options regarding binding and non-binding legal instruments for each element (annex 13).
        - Based on an analysis of how they were approached and applying each of the elements determined in the previous stage, the following results were obtained:

√ Forty nine of the elements were binding and 18 were not.

√ It was proposed that the status of six be modified.

√ Regarding the way they should be approached in future, it was recommended that existing instruments be strengthened for 28 elements and that instruments be created for 25.

√ It was very important to establish specific instruments on forests, since forests were simply a component in most existing instruments.

- Stage III.- Systematic evaluation of the pros and cons of legally binding instruments to promote each element (annex 14).
    - It was found that several of the elements dealt with in non-binding instruments could become binding and that several of them that were not binding on the national level could be binding on the international level, according to the experts.

- There was agreement that they should ensure the sustainability of the resource and respect the sovereignty of each country. It was also stressed that local communities, indigenous and women's groups should be strengthened.

- Stage IV.- Views on facilitating international consensus on issues relating to category III of the IFF's work program (discussed in plenary session).

- EXCURSION TO FORESTS SOUTH OF MEXICO CITY

  The Mexico City municipal government organized an excursion to forests in the Federal District to present the management plans that the largest city could and should follow for ecosystems whose main production is services, capture of carbon dioxide, watercourse regulation, protection of other resources, recreation and oxygen production.

- PLENARY SESSION

  The session was opened by Lic. Jaime Hurtubia who made a presentation on "Toward the Fourth Session Period of the IFF".

  The technical coordinator of the Organizing Committee read the preliminary report and asked for comments on the questionnaires distributed for Stage IV in order to give the experts an opportunity to voice their opinions, suggestions and impressions of the four-day meeting.

  The participants commented that they had learned more about the topics in Category III of the IFF's work program, that the methodology had facilitated discussion, and discussed the need for more or different background documents to build a consensus on issues related to forests (annex 15).

- CLOSING CEREMONY

  Lic. Luis Rojas Bolaños, Co-Chair of the Costa Rica – Canada Initiative thanked Mexico for its hospitality in hosting the event, all the experts from the 11 countries, the technical experts who acted as facilitators, the rapporteurs and co-rapporteurs, the secretarial support staff and the Organizing Committee for all the work they had done to make the meeting a success (annex 16).

  Ing. Víctor Sosa Cedillo Director General of Forests of the Department of Environmental Affairs, Natural Resources and Fisheries thanked the sponsors of the initiative which made it possible to examine each of the elements in existing agreements with a forest component in such an agreeable atmosphere, whose results would help to enrich and provide information for the meeting to be held soon in Ottawa, Canada (annex 17).

  Last, he thanked all the participants and wished them a safe journey home.

ANNEXES

1. Report on the National Meeting

2. Organizing committee

3. Participants

4. Opening ceremony

√ Message by Dr. Víctor Villalobos

√ Message by

√ Inauguration

5. Background presentations

√ Marina Ribó

√ Mario Duarte

√ Jaime Hurtubia

√ Jorge Rodríguez

6. Approach

7. Mechanics

8. Elements

9. Partial report, group 1

10. Partial report group 2

11. Partial report group 3

12. Preliminary list of elements

13. Options Stage II

14. Stage III

15. Plenary session

16. Closing ceremony

International experts meeting of the Costa Rica-Canada initiative

Ottawa, Canada
December 6-10, 1999

International arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests.

Final Report

FOREWORD

1. This document reports on discussions that took place at the final meeting of the Costa Rica-Canada Initiative (CRCI) in Ottawa, Canada, from December 6-10, 1999. It presents the range of views of experts who participated in their personal capacity. As such, the text of this report is not negotiated text and should not be interpreted as reflecting consensus.

2. A full report of the CRCI, including the eight regional and two international meetings, will be submitted to the IFF for consideration at its fourth meeting in New York, 31 January-11 February, 2000.

INTRODUCTION

3. The final meeting of the CRCI was sponsored by the Governments of Canada and Costa Rica, with the support of 21 countries and international organizations. One hundred and eleven participants from 62 countries attended as follows: 73 from governments, 11 from intergovernmental organizations, 6 from indigenous groups and 21 from non-governmental organizations.

4. The purpose of the meeting was to build on the outcomes of the regional meetings that took place around the world from August to November 1999 with regard to future international arrangements and mechanisms, such as a legally binding instrument, in support of Category III of the program of work of the Intergovernmental Forum on Forests (IFF). While not part of the CRCI per se, a South Pacific Sub Regional Workshop on IFF issues was held in Fiji, in September 1999. Findings from this workshop with respect to Category III were forwarded for consideration at the meeting in Ottawa.

5. The objectives of the meeting in Ottawa were to:

- provide the basis for making informed decisions on future international arrangements and mechanisms when the IFF meets in New York, 31 January - 11 February, 2000; and
- gain a better understanding of the strengths and weaknesses of the CRCI's three options, namely, a) strengthening existing legally binding instruments (SEI); b) developing new legally binding instruments (LBI); and c) using current legally non-binding instruments and initiatives (LNBI).

6. The week-long meeting began with opening ceremonies where the Minister of Natural Resources Canada, Mr. Ralph Goodale, addressed the plenary. He underscored the importance of moving beyond current ad hoc arrangements for forests to arrive at a comprehensive, permanent and lasting solution, taking into account key considerations such as national sovereignty, financial mechanisms and the transfer of technology.

7. The Co-chairs of the CRCI, Luis Rojas Bolaños and Jacques Carette, expressed their sincere gratitude to the more than 600 experts who participated in regional discussions, noting that many others took the opportunity to make their views known through national consultations that took place prior to regional meetings. They recognized the particular contributions of the governments that hosted regional meetings: Argentina, Cameroon, Ecuador, Malaysia, Mexico, Spain, Turkey and Zimbabwe and expressed their deep appreciation to other countries and organizations that financially and technically supported the initiative: Austria, Finland, France, Germany, Ireland, Japan, Norway, Russian Federation, Switzerland, Turkey, United Kingdom, Food and Agriculture Organization of the United Nations. As well, the Co-chairs noted broad areas of agreement that seemed to have emerged from regional meetings: that forest issues are not adequately addressed in current arrangements; that maintaining the status quo is not an option; and that further action is required to improve the state of the world's forests.

8. The statement of the IFF Co-chairs noted the complexity, the political sensitivity and the long-term ramifications of the issues related to Category III. They hoped that the final outcome of the week's deliberations in Ottawa would help the IFF arrive at the best option for the future and urged the assembly to provide the meeting in New York with a rich report, one that contained a clear message.

9. During the week, presentations were made of the regional meetings held under the auspices of the CRCI and highlights from these regional reports were given by the International Institute of Sustainable Development. The author of the summary report noted the main findings of each meeting and identified trends in support of the CRCI's three options.

10. Summaries were also made on two country-hosted initiatives on the special needs of countries with low forest cover (Teheran, Islamic Republic of Iran) and on financing sustainable forest management (Croydon, United Kingdom). These were followed by keynote addresses, working group discussions, highlights in plenary, general discussion and adoption of the report. For additional information, the agenda is found in Annex I. Copies of all presentations made by guest speakers and rapporteurs, in plenary, are found in Annex II and Annex III contains the list of participants.

11. Participants expressed their warm gratitude to the organizers and hosts of the meeting in Ottawa. They also indicated their deep appreciation for the significant contributions that the Costa Rica-Canada Initiative made, as a whole, to discussions on future international arrangements and mechanisms for forests.

BACKGROUND

12. In support of the IFF's mandate to identify the possible elements and work towards consensus on future international arrangements and mechanisms, for example, a legally binding instrument on all types of forests, Costa Rica and Canada entered into a partnership to provide a neutral, transparent, participatory and representative forum to facilitate technical discussions.

13. The CRCI consisted of three stages: 1) a meeting in San Jose, Costa Rica, from 22-26 February, 1999; 2) eight regional meetings that took place between August and November 1999 (refer to Annex IV for list); and 3) a final meeting in Ottawa, Canada, from 6-10 December, 1999 to consolidate the results of regional meetings and produce a report for submission to the IFF4.

14. Participation was open to governments, intergovernmental institutions, non-governmental organizations (NGOs), Indigenous People, women's groups and the private sector. Attention was also paid to reflect balanced geographic representation and the range of views with regard to Category III of the IFF's mandate.

15. Each regional meeting used a similar approach, endorsed by the Steering Committee in San Jose in February 1999, to identify potential elements and assess the strengths and weaknesses of the three CRCI options: SEIs, LBIs and LNBIs. Within this framework, opportunities were provided to discuss issues from national and regional perspectives.

16. Participants expressed their appreciation for the CRCI and the process it established through extensive consultations at the regional and national levels. They noted the extent to which regional meetings raised the level of awareness on global forest issues and increased the involvement of many experts who would not otherwise have had the opportunity to learn and participate in the dialogue. The large number of source documents that were produced within the CRCI framework also significantly contributed to increasing understanding worldwide of key forest issues. Experts were also grateful for the frank, open and transparent exchange of information and views that occurred among and between regions, allowing them to take stock of the range of opinions and the areas of agreement that could provide the basis for further cooperation.

17. Appreciating the valuable information arising from the regional meetings, participants urged that it be widely distributed to assist IFF delegates reach an informed decision.

OUTCOMES

I) KEYNOTE ADDRESSES

18. Mr. Nigel Bankes, Professor of Law at the University of Calgary, on assignment with the Department of Foreign Affairs and International Trade Canada, addressed the plenary on the relationship between existing international agreements and the CRC options, providing a basis for discussions in working groups on current and possible future instruments. He made the following key points:

The relationship between successive agreements relating to the same subject matter is governed by the Vienna Convention on the Law of Treaties:

- treaty obligations are cumulative; we should not assume conflicts; different standards do not create a conflict;
- where there is a conflict, look to the intention of the Parties; did the Parties, by means of a savings clause, indicate which agreement was to prevail;
- where there is no statement of intent, the latest treaty prevails.
- The relationship between non-binding instruments and a binding agreement:
- in the event of a conflict between a non-binding instrument and a treaty, the treaty will prevail;
- principles of customary law will influence the interpretation of treaties; non-binding instruments should not (Vienna Convention, Article 31 (3)(c)).

One can elaborate existing legally binding instruments through both binding instruments and non-binding instruments; non-binding instruments include resolutions of the CoP and work plans; as a general proposition CoP decisions and resolutions are not legally binding; binding instruments include protocols, regional annexes and amendments; the scope of a protocol will be limited by the ambit of the parent convention.

It is possible to avoid and manage conflicts between agreements by careful drafting, by limiting the scope.

19. In response, participants noted the need to fully implement existing instruments and ensure compliance; the lack of coordination among existing legally binding instruments; the importance of avoiding duplication of work; and the gaps in existing mechanisms related to sustainable forest management.

20. Some participants noted that existing legally binding instruments were developed with specific objectives and because of the narrow focus, may not achieve the range of sustainable forest management objectives, even with an effective coordination mechanism. A new instrument could therefore be beneficial in addressing the gaps and fragmentation within the forest sector both at the national and international level.

21. Participants emphasized that existing instruments have had positive impacts but there is still need for improvement in terms of implementation, coordination and comprehensive treatment of forests. While considering options for future arrangements and mechanisms, the following aspects, inter alia, may deserve special consideration:

- conflicts and overlaps;
- normative and administrative functions;
- action at both national and international levels;
- effective participation through direct representation of relevant and interested parties;
- commitments and means for effective implementation, including the establishment of a special financial mechanism for sustainable forest management in developing countries;

- compliance.

22. Mr. Jorge Rodriguez, Program Officer of the United Nations Development Program, spoke on financing and the possibilities of leveraging funds from various sources related to sustainable forest management. This presentation also served as a basis for discussions in the working groups. Some of the main points raised were:

- sustainable forest management should use new innovative approaches with an entrepreneurial spirit to mobilize funds and include efforts to identify both national and international sources and opportunities;

- the private sector is likely to play a crucial role in the future financing of sustainable forest management projects;

- the private sector might not be interested in investing in sustainable forest management if there is not an adequate legal and institutional framework, so that governments should adopt national financing strategies, such as economic incentives to encourage its involvement;

- traditional funding mechanisms, such as ODA, are important but not the only ones, especially in developing countries with special needs;

- local communities would benefit through partnerships that facilitated direct access to funds; and

- all forest values have to be considered, not only the marketable ones.

23. Dr. Jagmohan Maini, presented an overview of principles governing sustainable forest management. He noted that forests are a cross-sectoral policy issue and that there is a need for long term political commitment. Consistent with the Rio Declaration, the Forest Principles and the IPF/IFF process, the following overarching principles were highlighted:

- states have the sovereign right to utilize their resources to meet their national policy objectives
- states have the right to economic development in accordance with their social, economic, environmental and political conditions
- states have common but differentiated responsibilities regarding collective global interest and concerns related to forests

- states have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction

- international cooperation should focus on building human and institutional capacity in developing countries to manage their forests sustainably.

24. Participants noted that these principles have already been included in some international agreements. As such, they could well serve as a basis for future arrangements and mechanisms for forests.

2) CRCI OPTIONS

25. Regarding the desirability of a particular option, although discernible trends were identified in some regions, there was no clear preference in others. In most meetings, experts identified the elements that could best be treated in a new legally binding instrument, those that might be dealt with in existing agreements, and others that were suited to legally non-binding instruments. Many participants felt that the options are not mutually exclusive and that a combination of them is possible. There was general agreement on the need for a

comprehensive and inclusive approach and all participants noted the central importance of implementing commitments, regardless of the type of instrument.

Strengthening existing legally binding instruments

26. Most experts agreed that existing instruments address many forestry issues and have significant potential to make progress on them. It was suggested that, because they are already in place, they might require less political effort than developing a new one. Moreover, existing instruments can evolve to respond to present and future needs and have generated some funds for forests projects.

27. Most also agreed that major weaknesses of existing instruments are the fragmented way in which they address limited aspects of forests, the lack of coordination of activities and financial assistance and the absence of a comprehensive, holistic approach to address key issues. Moreover, implementation is hindered, at least in part, due to insufficient funding and difficulty in accessing funds.

A new legally binding instrument

28. Experts reflecting the views of many of the regional meetings felt that key strengths of a new legally binding instrument would be its capacity to fill gaps in institutionalized forest policy and deal with other legal instruments on an equal basis through Conferences of the Parties. Views were expressed that such an instrument could provide a comprehensive approach by covering all types of forests and the range of forest values. Further, a new instrument could be designed to accommodate the different needs of regions and countries. Many experts, referring to the outcomes of many regional meetings, indicated that a legally binding instrument has the potential to facilitate funding, technology transfer and capacity building at national and international levels; stimulate national policy development; and give forestry a higher profile. Another benefit of this option is that it can complement existing instruments.

29. Regarding weaknesses of this option, some expressed concern that the relationship between a possible new LBI and existing instruments might not be clear, that overlaps might result and that new financial commitments may not be forthcoming unless a designated financial mechanism is put in place for sustainable forest management. Others pointed out that a new legal instrument would not necessarily guarantee compliance or sufficient political will and that there is not sufficient agreement among experts on certain elements to begin negotiations.

Non-legally binding instruments

30. This third option has the advantage of being flexible and adaptable to national and regional circumstances. Some participants suggested that such instruments could evolve into a legally binding agreement and, thus, allow for a gradual step-by-step approach. Non-legally binding instruments require less negotiation, making them less resource intensive in terms of cost and time. In addition, this option does not contradict others that can be pursued simultaneously.

31. However, many participants shared the view that non-legally binding instruments do not generate a high level of political will or foster sustained political commitment and may not meet the widely perceived need for concrete action, monitoring and the means to ensure implementation.

ELEMENTS

32. All regional meetings used their own working list of elements, taking as a starting point, the list provided by the CRCI and endorsed by the Steering Committee. The general view from the regional meetings was that the list needed to be clustered into broader categories, for example, the grouping contained in the IFF Secretary-General's report. Most regional meetings produced recommendations on the potential substance of

the elements from national and regional perspectives. This information could be very useful in reaching consensus on the elements of any future international arrangements and mechanisms.

FUNCTIONS

33. While some groups focused their discussion on the three CRC options, in whole or in part, others preferred to start with an analysis of elements and functions. Specifically, some participants wished to identify the goals that a potential arrangement and mechanism should achieve before addressing the options. The principal functions put forward, drawn from documents elaborated by the IFF Secretariat, were recognized as being inter-linked, though vitally important in their own right.

Policy Development

34. Among participants, there was a strong feeling that a new arrangement or mechanism, such as a legally binding instrument, to deal holistically and comprehensively with forests in a coordinated and cross-sectoral manner is required. However, a preference for whether such an arrangement should be legally binding was not clearly expressed, given that the policy development function could be sustained through a variety of possible arrangements and mechanisms. Many stressed that the elaboration of this function needed to be transparent, participatory and complement existing arrangements.

Coordination and Synergies

35. Enhanced coordination was widely seen as being vital to the achievement of sustainable forest management worldwide and an integral part of any future arrangements and mechanisms. This includes coordination at national, regional and international levels among the wide range of institutions, agreements and entities, as well as within and between governments.

36. It was recognized that coordination could be improved by using different means and mechanisms and that this function was fundamental to moving forward. Many participants felt that some ways were more effective than others and cited a legally binding instrument as an example. Meaningful participation to reflect the particular concerns of civil society, including Indigenous People and women, was identified as necessary to achieve progress in this area.

37. Participants stressed the importance of combining coordination mechanisms with the other key functions. However difficult, many felt that this function is critical to the sustainable management of forests worldwide and that political will needed to be gathered before an appropriate mechanism could be put in place.

Policy Implementation

38. Many participants were clear on the need to more fully implement the commitments already established within the forest sector and noted that financial resources, technology transfer and capacity-building were essential components of this function. Again, political will and effective participation of civil society, including major groups and other relevant parties, were recognized as part of effective implementation strategies.

39. Many participants pointed out the link between this function and monitoring and reporting while a few suggested that these activities could be conducted by independent third parties.

40. With regard to options, many participants felt that a legally binding instrument had the greatest potential to advance this function. Some saw value in legally non-binding instruments and voluntary options that must come to bear in any future arrangements and mechanisms. Several working groups expressed a range of views in such areas as governance, a multilateral framework, sanctions for non-implementation and resource

flow. However, common ground was found with regard to the need for enhanced compliance and implementation of current commitments as an effective way to move toward an action-oriented approach.

Provision of Legislative Authority

41. Legislative authority was seen as another important function, perhaps best suited to legally binding instruments, although all options had potential and were not seen as mutually exclusive. Participants were all too aware of the need for legal authority to ensure action at the national level. This function was also seen as being an important part of influencing resource mobilization and technology transfer at national and international levels.

42. Because forest issues are cross-sectoral, some participants stressed the challenge of finding a kind of legislative authority that would promote sustainable forest management worldwide in a coordinated and comprehensive manner.

43. There was a general desire to strengthen current legally binding arrangements and mechanisms, though it was felt that further discussion was required on how this could be done.

44. In summary, many participants felt that fulfilling these four functions is critical to achieving sustainable forest management. The general thrust of discussions on functions was that they are key to determining what type of future arrangements and mechanisms are most suitable.

KEY MESSAGES TO THE IFF

45. Experts at the final meeting of the Costa Rica-Canada Initiative agreed that the IFF process should end at IFF4 with a clear decision on new future international arrangements and mechanisms. There was an emerging consensus to start a time-limited process with the mandate to shape a new arrangement which would fulfill the required functions and address priority areas of concern. It was further noted that this clear decision must provide for a permanent action-oriented approach to the international forest policy dialogue, one that has the necessary legal authority and level of commitment. Any future international arrangement or mechanism should be developed with the full participation of Indigenous People, other forest dependent people, women and other relevant parties.

46. Reflecting the general views expressed at regional meetings, the majority of participants felt that:

- forest issues, including those related to the rights and participation of Indigenous People and other forest dependent people, are not adequately treated in existing instruments;
- there are no legal or policy conflicts among the three CRCI options; and
- a legally binding instrument provides the greatest potential to leverage financing at the national and international levels.

47. Participants also agreed that any future permanent arrangement(s) or mechanism(s) should be cost effective, add value and fulfill the four functions outlined in the Secretary-General's report, prepared for IFF4. Such arrangement(s) and mechanism(s) should also be supported by the highest political will and allow for a consolidated, comprehensive, integrated and holistic treatment of the range of forest issues. In this regard, a new future approach should:

- respect the sovereign rights of states
- heighten and sustain political commitment at all levels
- have the same status as existing legal instruments
- incorporate global, regional and national considerations
- ensure the participation and consultation of relevant and interested parties, including, inter alia, women and Indigenous People

- respect the rights of Indigenous People, forest dwellers and forest dependent people
- recognize the important role and contributions of women, especially in rural areas, to conservation and sustainable development, and encourage their involvement in related regional and national programs
- support access to information at the local level
- provide for clear linkages with commitments related to forests in existing instruments
- ensure effective cross-sectoral linkages, particularly in relation to agriculture, livestock, food, trade and the environment
- recognize the importance of traditional knowledge and practices in the sustainable management of forests
- provide for the sharing of economic and commercial benefits arising from the use of traditional knowledge and practices
- complement efforts to combat poverty
- facilitate financing, technology transfer and capacity building in developing countries, possibly through the establishment of a new global forestry facility
- respond to the special needs of countries with low forest cover, including technical and financial assistance related to developing and implementing national forest programs
- provide for effective measures to assist with implementing commitments
- contain an effective mechanism to help ensure the accountability of parties in implementing commitments
- improve the coordination, at different levels, of existing instruments and initiatives
- take concrete action to strengthen the implementation of current commitments and the monitoring thereof.

48 Many participants noted that future options for international arrangements and mechanisms for forests need not be mutually exclusive. They also were of the opinion that such options should strive to make full use of existing institutions and instruments while giving a precise mandate to prepare a new instrument that would incorporate, inter alia, the points listed in para 47.

49. Many stated their readiness to consider a new legally binding instrument while some indicated consensus still needed to be reached on the relative benefits of the various options. Very few stated they were not in favour of a new legally binding instrument.

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A South Pacific Sub Regional Workshop on Intergovernmental Forum on Forests (IFF) Issues

22-24 September 1999 - Nadi, Fiji

WORKSHOP REPORT
on Session 4: International Arrangements (Category III of IFF's Work Programme)

REPORT ON DISCUSSIONS ON SESSION 4

Session 4: International Arrangements (Category III of IFF's Work Programme)

Three background papers relating to this issue were presented. Gary Dolman provided a presentation on elements, functions and options, Boyd Case provided an update on the Costa Rica - Canada Initiative in support of Category III work, and Jaime Hurtubia introduced a draft of the Secretary General's report on this area of work being prepared for IFF4.

The workshop discussed elements, functions and options for international arrangements over three separate sessions. These terms are defined in **Attachment E**.

Regarding **elements**, the group developed a consolidated list of priority elements for use in consideration of Category III. This resulted from the lists produced in discussions on Category I and II issues and included additional four elements. This list is at **Attachment F**.

Regarding **functions**, the group discussed the list of functions presented by the IFF Secretariat and those suggested by Australia. The workshop used the four condensed headings proposed by the IFF Secretariat and incorporated the original IFF Secretariat functions. A list **(Attachment G)** was agreed by the workshop as a final set of functions, adding that sustainable forest management should be the main objective behind the delivery of these functions.

Regarding **options**, the workshop discussed the pros and cons of available options. This was followed by working group discussions to identify how best these options address the elements and functions identified in the previous sessions. The working groups also discussed possible preferred option/s for international arrangements for forests.

There was general agreement that policy implementation and co-ordination were of prime importance. It was considered that any arrangements should result in better utilisation of existing agencies involved in international sustainable forest management. It was also considered that it would be difficult for any single existing mechanism to adequately cover the entire international forest agenda.

The large island working group felt that the most useful options on which to focus were:

- establishing a mechanism for improved co-ordination of existing arrangements,
- a mandate-led body role for an existing organisation,
- an improved non-legally binding instrument,
- extended scope of existing legally binding instruments, and
- negotiating a framework convention.

The high and small islands working group identified an additional option of establishing a permanent forum for policy implementation and co-ordination.

There was emerging strong support for this latter option, which combined the primary functions of policy implementation and coordination.

RECOMMENDATIONS

The meeting recommended that:

1. the report of the workshop, including the list of elements, functions and options considered and agreed by the workshop, be transmitted to:
    - the Costa Rica and Canada Initiative,
    - the UN Secretary General as an official document for IFF4, and
    - the Secretariat of the Pacific Community (SPC);
2. the outcomes of this workshop also be forwarded to the Council of Regional Organisations in the Pacific (CROP) Land-Based Resources Working Group for consideration in finalisation of the Regional Forest and Trees Strategy and its submission to CSD8;
3. as IFF is a forum that puts particular weight on national positions, Pacific Island countries consider developing a national position on any of the issues to be debated at IFF4 in New York in February 2000;
4. the report of this workshop be forwarded to the FAO office for Asia Pacific in Bangkok, Thailand for consideration at the next APFC meeting to be held in Australia in May 2000 in the context of providing support for the implementation of IPF Proposals for Action identified as priorities;
5. the South Pacific Forum Secretariat assist and coordinate Pacific Island countries' input, and possible representation at IFF4 in New York in February 2000;
6. the offer from Costa Rica and Canada initiative to sponsor attendance at their final meeting in December 1999 to present the outcomes of this workshop be accepted and Dike Kari be nominated as representative with Ram Swarup as alternate, with possibly also a South Pacific Forum Secretariat representative.
